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Letter dated 15 September 2009 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Pursuant to Article 54 of the Charter of the United Nations, I have the honour to forward the attached outcome documents adopted by the Assembly of Heads of State and Government of the African Union at its Special Session on the Consideration and Resolution of Conflicts in Africa, which was held in Tripoli on 30 and 31 August 2009 (see annexes I and II).

It would therefore be appreciated if the text of the above-mentioned documents could be circulated as a document of the Security Council.

(*Signed*) Lila Hanitra **Ratsifandrihamanana**
Ambassador
Permanent Observer to the United Nations

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Annex I to the letter dated 15 September 2009 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Tripoli Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace

1. We, the Heads of State and Government of the African Union (AU), meeting in Tripoli, Great Socialist People's Libyan Arab Jamahiriya, on 31 August 2009, on the occasion of the Special Session on the Consideration and Resolution of Conflicts in Africa, as agreed in Decision Assembly/AU/Dec.252 (XIII), have reviewed the state of peace and security on our continent and the steps we need to take to hasten the attainment of our common objective of a conflict-free Africa.

2. The decision to convene this Special Session reflects our growing concern at the persistence of conflict and crisis situations on the continent, despite the many efforts deployed thus far to resolve them. It also bears testimony to our renewed determination to give further impetus to the implementation of relevant AU decisions and promote lasting peace, security and stability on the continent, for without such an environment our vision of the political and economic integration and development of Africa will not materialize.

3. Our meeting is taking place at a time when significant efforts are being made to end conflict and promote peace and security on the continent. We have come a long way since we launched the AU in Durban, in July 2002, and inaugurated the Peace and Security Council (PSC), in Addis Ababa, in May 2004. Today, we have the necessary institutional and normative framework to address the scourge of conflicts, and the AU has demonstrated a renewed dynamism in dealing with issues of peace and security on the continent.

4. We note that the operationalization of the African Peace and Security Architecture (APSA), as articulated in the Protocol Relating to the Establishment of the Peace and Security Council, is well on course, as shown by the effective functioning of the PSC, the launching of the Panel of the Wise and the establishment of key components of the African Standby Force (ASF) and the Continental Early Warning System (CEWS).

5. We also note that, consistent with the spirit and letter of the AU Constitutive Act, we have, over the years, adopted a number of instruments on human rights, governance, democracy, disarmament, terrorism, and good neighbourliness, which represent a consolidated framework of norms and principles, whose observance would reduce considerably the risk of conflict and violence on the continent and consolidate peace where it has been achieved.

6. Finally, significant strides have been made in the resolution of conflicts in Africa, as evidenced by the remarkable achievements in countries such as Burundi, the Comoros, the Democratic Republic of the Congo, Liberia and the Sudan (South Sudan), as well as the advances recorded in the search for peace in a number of other countries and regions. These developments have brought hope and enhanced the prospects for development and renewal, which now need to be enhanced through sustained efforts at peacebuilding and post-conflict reconstruction.

7. While we take pride in these achievements, we remain, nevertheless, deeply concerned at the continued prevalence of conflict, insecurity and instability in large parts of the continent, with its attendant humanitarian consequences and socio-economic impact. Indeed, armed conflicts in Africa kill thousands of people every year; create humanitarian disasters; wipe out livelihoods and wealth that ordinary people have worked hard to accumulate over their lifetimes; and make sustainable economic development impossible. There is also a more profound loss: the destruction of hope for a better future.

8. In addition, we note with concern the resurgence of unconstitutional changes of Government, which constitutes a serious setback to the democratization process, as well as the emerging trend of election-related violence and conflicts; the threats posed by terrorism, drug trafficking, transnational organized crime, piracy, and illicit exploitation of natural resources to fuel conflicts; and the persistence of the border disputes and conflicts. We reiterate our commitment, in conformity with the decision adopted in Sirte, in July 2009, to cut off the sources of funding for terrorism, in particular those originating from the payment of ransom in situations of hostage taking. Of equal concern are the implications of climate change and its resulting consequences (food insecurity, scarce water resources, damage to coastal infrastructure and cities, reduced agricultural yields and environmentally-induced migration) for our quest for peace and the efforts being made in this respect.

9. Against this background, we are determined to deal once and for all with the scourge of conflicts and violence on our continent, acknowledging our shortcomings and errors, committing our resources and our best people, and missing no opportunity to push forward the agenda of conflict prevention, peacemaking, peacekeeping and post-conflict reconstruction. We, as leaders, simply cannot bequeath the burden of conflicts to the next generation of Africans.

10. To this end, we recommit ourselves to accelerate the full operationalization of the APSA, including the further refinement of existing provisions, where necessary, to facilitate their implementation. In this respect, we agree to increase our contributions, both financial and technical, in support of the APSA. We request the Chairperson of the Commission to take all steps necessary to strengthen the Commission's capacity to better address the challenges of peace, security and stability on the continent, including through the speedy recruitment of necessary additional staff, bearing in mind that additional resources are needed.

11. We undertake to make renewed efforts to address the root causes of conflicts in a holistic and systematic manner, including through implementing existing instruments in the areas of human rights, the rule of law, democracy, elections, good governance, disarmament, arms control and non-proliferation and good neighbourliness. This requires that all Member States that have not yet done so speedily sign and/or ratify those instruments and that the Commission actively monitor their implementation. We request the Commission to take all necessary steps to sensitize the Member States concerned and to undertake a thorough and systematic review of the status of implementation of these instruments and to submit to the Assembly concrete proposals on how to improve compliance.

12. In particular, we reiterate our total rejection of unconstitutional changes of Government and undertake to enhance both prevention of, and response to, this phenomenon. In this vein, we reiterate the need for Member States to promote good governance, to abide by the rule of law and to respect their own Constitutions,

especially when it comes to introducing constitutional reforms, bearing in mind that failure to do so can lead to situations of tension, which could, in turn, precipitate political crisis. Equally, we shall take all necessary measures, including the condemnation of, and imposition of sanctions against any African country that would encourage, support or host armed groups whose objective is to destabilize another state. We commit ourselves to abide by the principles of sovereignty, territorial integrity and non-use of force, directly or indirectly, in the conduct of our external relations.

13. We reiterate our determination to ensure that, at all times, Africa moves first and in a timely manner to deal with the scourge of conflicts in our continent. We also reiterate our commitment to exercise utmost restraint, to systematically resort to peaceful means to settle all disputes, and to be responsive to mediation and other preventive diplomacy endeavours.

14. We are resolved to ensure that sufficient troops and observers are made available for rapid deployment when and where they are required.

15. Driven by our determination to transform the geo-political landscape of Africa for the benefit of all its peoples, by promoting the development and integration of the continent, we shall take a series of concrete and effective measures to accelerate the implementation of solutions already agreed to for the settlement of a number of conflicts, and the promotion of fair and equitable solutions to situations for which no agreement has yet been reached by the parties concerned, as well as for post-conflict reconstruction, to provide the peoples concerned with peace dividends.

16. We reiterate our full support to all ongoing peace efforts on the continent and urge all concerned parties to leave no stone unturned to end the conflicts they are party to, bring hope to their people and build sustainable peace. In line with the relevant provisions of the Constitutive Act and the Rules of Procedure of the Assembly, as well as the PSC Protocol, we commit ourselves, where parties to a conflict stubbornly refuse to live up to their obligations and cooperate towards the promotion of peace, to impose sanctions and ensure their scrupulous implementation throughout the continent, while seeking the support of our partners within the international community, including the UN Security Council.

17. We commit ourselves, within the framework of the AU Policy on Post-Conflict Reconstruction and Development (PCRD), to show the required solidarity with the African countries emerging from conflicts, to assist them in consolidating their hard-won peace and avoiding relapse into violence.

18. We stress the need for all Member States to extend full cooperation and support to the PSC, bearing in mind that, in carrying out its duties under the Protocol, the PSC acts on behalf of the entire membership of the AU. Equally, we commit ourselves to increase substantially our contribution to the Peace Fund, for Africa to truly own the ongoing efforts to promote peace, security and stability on the continent. In this respect, we request the Commission to take the necessary preparatory steps for the increase of the statutory transfer from the AU regular budget to the Peace Fund from 6 to 12%. We also encourage all Member States in a position to do so, to make voluntary contributions to the Peace Fund. We request the Commission to submit to the Assembly, in June 2010, a comprehensive report on how best to mobilize increased resources from within the continent to support our peace efforts.

19. Making and sustaining peace and security is also an intellectual challenge. We therefore undertake to build the capacity of our universities and research institutes to explore the nature of African conflicts, to investigate what succeeds and what fails in conflict resolution efforts, and to arrive at African-centred solutions, drawing from our own distinctive and unique experience.

20. To achieve our objective of an African continent that is not only at peace with itself but is also at peace with the rest of the world, we need to continue to strengthen our relations with our major partners. We value the support provided by our bilateral and multilateral partners in the Americas, Asia, Europe and Middle East, and call on them to continue working closely with us in achieving our goals, understanding that peace and security are indivisible.

21. At the same time, we reiterate our determination to ensure that these partnerships are fully based on Africa's leadership, because without such leadership, there will be no ownership and sustainability; because we understand the problems far better than those who come from far away; because we know which solutions will work, and how we can get there; and because, fundamentally, these problems are ours, and we will live with their consequences.

22. We call on the African civil society to continue to play its role in promoting peace, security and stability as partners of Government, as we seek to ensure that the AU, as called for in its Constitutive Act, respect the principle of participation of the African peoples in the activities of the Union.

23. We declare the year 2010 as *Year of Peace and Security on the Continent*. In this regard, we request the Chairperson of the Commission to prepare a detailed programme which would identify concrete steps that could be taken to promote peace, security and stability on the continent, and to submit it to the next ordinary session of the Assembly of the Union.

24. We solemnly adopt the Tripoli Declaration, and pledge our full commitment to its effective implementation so as to open a new chapter in our collective action in favour of peace, security, stability and shared prosperity throughout Africa and the rest of the world.

Annex II to the letter dated 15 September 2009 from the Permanent Observer of the African Union to the United Nations addressed to the President of the Security Council

Plan of Action

1. We, the Heads of State and Government of the African Union (AU), meeting in Tripoli, Great Socialist People's Libyan Arab Jamahiriya, on 31 August 2009, on the occasion of the Special Session on the Consideration and Resolution of Conflicts in Africa, as agreed in Decision Assembly/AU/Dec.252 (XIII), have reviewed the state of peace and security on our continent and agreed on the measures that need to be taken to accelerate the resolution of conflict and crisis situations, as well as consolidate peace where it has been achieved.

2. These measures, taken on the basis of earlier AU decisions, which we are reconfirming, are to be implemented in the short term and are as follows:

3. **On Somalia:**

(i) To deploy, by the end of 2009, the three remaining battalions of the AU Mission in Somalia (AMISOM), thereby enabling AMISOM to reach its authorized strength;

(ii) To request Member States that have already pledged troops to AMISOM, to make them available as soon as possible. Also request Member States to provide all necessary support to AMISOM and to the Transitional Federal Government (TFG) of Somalia, including funding, troops, equipment, logistics and training;

(iii) To further efforts towards the early elaboration of an integrated and well coordinated training plan for the Somali Security Forces and Police; in this respect, the Special Session requests the Commission to take the required steps, in coordination with the TFG and member States and partners, to enhance the efficiency of the training and facilitate the effective insertion of the trained personnel into the TFG's Security Forces;

(iv) To acknowledge the contribution and sacrifices that have been made by the neighbouring countries and to request them to continue with their consultations with the Commission and support for AMISOM in every way possible;

(v) To request the Peace and Security Council (PSC) to review the mandate of AMISOM, in particular with regard to its authorized strength, and the logistical support, to enable it to provide increased assistance to the TFG and facilitate the extension of its authority, including outside of the capital city, over its airspace and territorial waters and over those strategic locations whose control is likely to accelerate the achievement of peace, security and stability in Somalia;

(vi) To encourage the TFG to intensify its efforts to promote reconciliation and an all-inclusive political process. In this respect, the Special Session demands that all Somali parties that have not yet joined the peace process, to do so immediately and without any precondition. To this end,

result-oriented negotiations need to be engaged between the TFG and the armed opposition groups which would be willing to renounce violence and seek peaceful solutions to their grievances;

(vii) To impose targeted and mandatory sanctions against the leaders and other members of Somali armed groups engaged in destabilization activities against the TFG, as well as other actors engaged in criminal activities that fuel the conflict and undermine the peace and reconciliation efforts. The individuals concerned will be held personally accountable for their subversive actions. In this regard, close collaboration needs to be developed with the UN Monitoring Group to ensure that sanctions are effectively implemented;

(viii) To strengthen the political and humanitarian components of AMISOM, including through the enhancement of its political presence on the ground in Mogadishu, with the view of facilitating engagement with all stakeholders, the delivery of humanitarian, assistance, reconstruction of the local administration and infrastructure, and the implementation of community-based Demobilization, Disarmament and Reintegration (DDR) programmes;

(ix) To work towards the early disbursement by all the countries and institutions that made pledges during the Brussels Conference of the funds committed in order to avoid delays in the implementation of crucial activities, including the training of the Somali Security Forces;

(x) To develop closer collaboration and coordination between the AU and its partners, including the United Nations, for the speedy implementation of sanctions against spoilers, the imposition of a no-fly zone and naval blockade to prevent the flow of arms and other forms of material support to the insurgents in Somalia, as well as the protection of Somalia's coastline and fight against piracy, illicit dumping and illegal exploitation of marine resources, in line with relevant AU and IGAD decisions;

(xi) To convene an international conference to discuss the adoption of an international convention on the phenomenon of maritime piracy and its underlying causes, as well as the promotion of effective international cooperation, which, in conformity with the Convention on the Law of the Sea, ensures the freedom of maritime navigation and preserves the right of States on their Exclusive Economic Zone and their territorial waters, as well as that of local populations to benefit from the resources therein;

(xii) To mobilize resources for the enhancement of the capacity of the Somali state institutions, using existing mechanisms.

4. **On Darfur (Sudan):**

(i) To ensure speedy progress in the search for peace, security, justice and reconciliation in Darfur, with the aim of significantly moving the process forward by the end of 2009, building on the improvement of the security situation. In this respect, the Special Session calls on all the Sudanese parties to demonstrate the necessary political will and engage in dialogue without preconditions, it being understood that targeted sanctions could

be imposed on those parties that would refuse to take part in the negotiations or reject their outcome;

(ii) Commitment of the Sudanese parties to an immediate ceasefire, in order to create conditions conducive to the successful conclusion of the political process, and support to the current efforts aimed at unifying the armed groups so as to facilitate the negotiations, in line with the programme of work of the AU-UN Joint Mediator;

(iii) To request the Sudanese parties and the international community to extend full cooperation to the implementation of the report of the AU High-Level Panel on Darfur (AUPD), whose recommendations are expected to provide a clear roadmap on how best to achieve peace, justice, reconciliation and healing in Darfur, thereby contributing to the overall objective of sustainable peace and stability in the Sudan as a whole;

(iv) Commitment by the AU Member States that have pledged troops and police personnel for AU/UN Hybrid Operation in Darfur (UNAMID) to ensure their timely deployment, so as to facilitate the achievement of the full deployment of the Mission by the end of this year, and request to the international partners to provide the necessary equipment to the African Troops Contributing Countries (TCCs) and appropriate enablers to the UNAMID;

(v) To request the Sudanese Government to continue taking concrete steps to investigate the abuses committed in Darfur and bring their perpetrators to justice;

(vi) To reiterate the AU's earlier decision regarding the non-cooperation of its Member States with the arrest and surrender of President Omar Hassan Al Bashir, following the arrest warrant issued by the International Criminal Court (ICC);

(vii) To urge the international community to move from emergency humanitarian assistance towards development support, in order to facilitate the return and resettlement of refugees and IDPs;

(viii) To establish a flexible and effective mechanism to monitor the implementation of the above-mentioned measures and to enhance Africa's role in the strategic leadership of the peace process in Darfur, in light of the recommendations of the AUPD and other relevant factors.

5. **On the Comprehensive Peace Agreement (CPA):**

(i) Commitment by the parties to the CPA to resolve the outstanding issues in its implementation, in particular as they relate to the demarcation of the North-South border, the enactment of the remaining legislation for the elections, the full redeployment of forces, the disarmament of militias and the operationalization of the Joint Integrated Units (JIUs), and to work towards finding an agreement on the results of the census;

(ii) To request the Commission to dispatch, without delay, a pre-election assessment team to the Sudan to meet with the Sudanese officials, as well as other stakeholders involved in the preparations for the Sudanese

elections, in order to assess the readiness of the Sudanese electoral process and review the status of the implementation of the CPA;

(iii) To revitalized the activities of the AU Ministerial Committee on the Post-Conflict Reconstruction of the Sudan and increase support of Member States to peacebuilding in the Sudan. In this respect, the Special Session requests the Commission to convene a Conference to support post-conflict reconstruction in the Sudan, in the 1st quarter of 2010.

6. **On the relations between Chad and the Sudan:**

(i) The two countries to commit themselves to comply fully with the various Agreements they have signed towards the normalization of their relations, in particular by refraining from providing any kind of support or hosting armed opposition groups hostile to the other;

(ii) To reactivate the efforts to deploy a peace and security force along the border between the Sudan and Chad to monitor the situation on the ground. In this respect, the Special Session requests the co-chairs (Republic of Congo and Libya) of the Contact Group established by the Dakar Agreement of 13 March 2008, to immediately resume its work;

(iii) To request the Chairperson of the Union to continue his efforts in support of the implementation of the Sirte Agreement;

(iv) To request the concerned armed groups to engage in political processes aimed at finding solutions to any grievance they may have, bearing in mind the need to respect constitutional order and legality. Should they refuse to embark on such processes, targeted sanctions will be imposed against them.

7. **On the situation in the Horn of Africa:**

To request the Commission, in pursuance of the relevant paragraphs of decision Assembly/AU/Dec.252(XIII) and other relevant AU and IGAD decisions, in support of IGAD and in collaboration with the UN, the League of Arab States and other stakeholders, to continue with efforts of peace-building and reconciliation, in order to foster peace, security, cooperation and development in the Horn of Africa. These efforts will be without prejudice to the rights and obligations of the countries of the region concerned with respect to their bilateral disputes and actions falling under the purview of the UN Security Council or any other measure that the Security Council may take in response to relevant AU and IGAD decisions.

8. **On the Great Lakes Region:**

(i) To mobilize greater support from Member States and the international community for the implementation of the Pact on Security, Stability and Development;

(ii) To encourage and support the efforts to harmonize activities for the promotion of security within the concerned Regional Economic Communities (IGAD, SADC, EAC, ECCAS), as well as CEPGL;

(iii) To increase the efforts to promote regional economic integration, in particular within the framework of the CEPGL, as well as relevant projects undertaken by other regional organizations;

(iv) To mobilize greater support from Member States towards post-conflict reconstruction and development efforts in the Democratic Republic of the Congo (DRC) and Burundi, and request the Commission to organize a pledging conference which would enable African countries to express their solidarity with these two countries, in accordance with the AU Policy on Post-Conflict Reconstruction and Development (PCRD). This Conference will aim at mobilizing political, financial and technical support for post-conflict reconstruction activities, including in the areas of good governance, security sector reform and economic development, as well as institutional capacity-building;

(v) To support the electoral process in Burundi, including through the deployment of an AU mission to observe all stages of the electoral process;

(vi) To adopt concrete steps to address the issue of the illegal exploitation of the natural resources of the DRC, in particular by those multinational corporations and other foreign entities whose activities create conditions for negative practices, including the exchanging of raw materials for weapons, thereby fuelling conflict and undermining the long-term development of the DRC. This could involve developing a scheme similar to the Kimberley Process for the Certification of other mineral resources and the convening of a conference that will bring together all key stakeholders;

(vii) To request the Commission to initiate concrete steps, to better support the efforts made by the countries of the region to resolve once and for all the problem of the FDLR, including the implementation of appropriate military, judicial and political measures and other steps to curb the propaganda and any activity that the FDLR could undertake in other countries;

(viii) To implement concrete steps to better protect the vulnerable civilian population in Eastern DRC, in particular women and children, against violence perpetrated by the FDLR and other armed groups;

(ix) To renew efforts, including military efforts, to neutralize the Lord's Resistance Army (LRA) and bring to an end its atrocities and destabilizing activities in DRC, Southern Sudan and Central African Republic (CAR);

(x) To take immediate and concrete steps to support the DRC for the full implementation of the 23 March 2009 Agreements between the Government of the DRC and Congolese armed groups, secured with the assistance of a special mediation mechanism established in 2008 under the stewardship of former Presidents Olusegun Obasanjo and Benjamin Mkapa.

9. **On Guinea-Bissau:**

(i) To ensure the early deployment in Guinea-Bissau, with the support of the UN, the EU, and other AU partners, of a joint AU-ECOWAS stabilization mission to consolidate peace and stability, lend the necessary support to the new Government in its attempts to reform the security sector, post-conflict reconstruction and development and to assist in the fight against drug trafficking, and request the PSC and the Commission to take the necessary follow-up measures;

(ii) To request the Commission to finalize its consultations with the Bissau Guinean authorities and ECOWAS on how to create conducive conditions for the conduct of a credible investigation into the political assassinations committed in the country in 2009, in particular that of President João Bernardo de Vieira, and acceleration of the process to establish an international commission of inquiry comprising Guinea-Bissau, AU, ECOWAS and CEN-SAD;

(iii) To request the Commission and ECOWAS to convene, before the end of 2009, a regional conference on post-conflict reconstruction, stabilization, security sector reform and drug trafficking, with a view to articulating a comprehensive and well-coordinated strategy to deal with these issues, bearing in mind relevant AU and ECOWAS decisions.

10. **On the Republic of Guinea:**

(i) To demand that the *de facto* authorities fully comply with their commitments and ensure that the elections are held within the new timeframe recently agreed upon, i.e. January 2010 for presidential election and March 2010 for legislative election;

(ii) To demand that the authorities take the necessary steps to improve the security and human rights situation in the country, as well as address effectively the issue of drug trafficking.

11. **On Madagascar:**

To request the Malagasy parties to redouble their efforts to resolve the outstanding issues and restore legality through credible, transparent and fair elections, and enable their country to overcome the current crisis, building on the Agreements reached following the meeting held in Maputo, Mozambique, from 5 to 10 August 2009, under the auspices of the AU and facilitated by the International Joint Mediation led by former President Joaquim Chissano, the SADC-appointed Mediator.

12. **On Côte d'Ivoire:**

(i) To request the Ivorian parties to continue to show the necessary political will, in order to create a favourable atmosphere for the holding of the presidential election, including overcoming the difficulties being encountered in the implementation of the Ouagadougou Political Agreement;

(ii) To encourage the international community, including AU Member States, to mobilize the necessary financial resources, particularly for the demobilization and rehabilitation of ex-combatants and militia.

13. **On Liberia:**

To reiterate AU's support to the ongoing efforts at peace-building and post-conflict reconstruction in Liberia, and to call for increased efforts by Member States and the international community as a whole to this end.

14. **On the Central African Republic:**

To call for continued and increased support by the international community for peace-building efforts in CAR, acknowledging the contribution of the countries of the region to this end. The Special Session further calls on the partners to honour the pledges they have made in relation to CAR.

15. **On the Comoros:**

To reaffirm the unity and territorial integrity of the Comoros, in line with relevant OAU/AU decisions on the Comorian Island of Mayotte. The Special Session calls for the reactivation of the AU Committee of Seven on Mayotte, which should meet on the margins of the UN General Assembly. More generally, the Special Session reaffirms that the territorial integrity of Africa cannot be legally affected by referendums conducted by foreign powers on an African territory.

16. **On Western Sahara:**

To support the ongoing UN efforts to overcome the current impasse and relevant UN Security Council resolutions, which call for direct negotiations between the two parties without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations. To this end, the Special Session calls for the intensification of efforts towards the holding of a referendum to enable the people of the Territory to choose between the option of independence and that of integration into the Kingdom of Morocco.

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Report of the Secretary-General on children and armed conflict in Uganda

Summary

The present report has been prepared pursuant to Security Council resolution 1612 (2005) and covers the period from December 2008 to June 2009.

The Ugandan People's Defence Forces (UPDF) and its auxiliary forces, the local defence units, have been removed from the annexes to the eighth report of the Secretary-General on children and armed conflict (A/63/785-S/2009/158). That delisting follows the signing in January 2009 of an action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005) between the Government of Uganda and the United Nations country-level task force on monitoring and reporting. The present report outlines the implementation of that action plan and the follow-up activities to the conclusions and recommendations of the Security Council Working Group on Children and Armed Conflict with regard to Uganda (S/AC.51/2008/13).

The report highlights that the cooperation with the Government of Uganda has been very effective and has allowed the United Nations and its partners to successfully verify that no more children are present in the ranks of UPDF or its auxiliary forces and that no cases of recruitment or use of children have been reported since August 2007.

The report also shows that the Lord's Resistance Army (LRA) remains very active in the region, despite the fact that no military activity has been reported on Ugandan territory since the signing of the Cessation of Hostilities Agreement in August 2006. Violent incidents of killing and maiming of children, abductions, recruitment and grave sexual violence are regularly reported in neighbouring countries such as the Democratic Republic of the Congo and the Central African Republic and in southern Sudan. The report emphasizes the regional dimension of LRA activities and how United Nations actors and country-level task forces on monitoring and reporting are increasingly working on regional coordination for information-sharing, data collection and the repatriation of abducted children to their countries of origin.

The report ends with a series of recommendations that aim to address the remaining challenges in Uganda and the region for enhancing the protection of children.

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I. Introduction

1. During the period under review, major results have been achieved in the implementation of the monitoring and reporting mechanism in accordance with Security Council resolutions 1539 (2004) and 1612 (2005) on grave violations against children in Uganda.

2. The first achievement was the signing in January 2009 of an action plan between the Government of Uganda and the Uganda Task Force on Monitoring and Reporting regarding children associated with armed forces in Uganda. That was followed by the verification visits to Uganda People's Defence Forces (UPDF) facilities in northern Uganda by the Task Force and the subsequent submission to the Office of the Special Representative of the Secretary-General for Children and Armed Conflict of the verification report that constitutes the basis of the present report. UPDF and its auxiliary forces, the local defence units, were de-listed from the eighth report of the Secretary-General on children and armed conflict (A/63/785-S/2009/158).

II. Signing of action plan between the Government of Uganda and the Uganda Task Force on Monitoring and Reporting regarding children associated with armed forces in Uganda

A. Background

3. On 16 January 2009, the Government of Uganda and the Uganda Task Force on Monitoring and Reporting signed an action plan regarding children associated with armed forces in Uganda, in line with the provisions of Security Council resolutions 1539 (2004) and 1612 (2005) and the conclusions of the Council's Working Group on Children and Armed Conflict. The action plan marks the outcome of three years of ongoing dialogue and cooperation between the Government of Uganda, notably the Ministry of Foreign Affairs, UPDF and the Task Force. The adoption of the joint action plan obligates the Government to:

(a) Prevent and end the association of children under the age of 18 with armed and auxiliary forces, otherwise known as local defence units;

(b) Appoint focal points at the highest level of the Government on the implementation of the action plan;

(c) Provide access on a regular and ad hoc basis to UPDF and auxiliary facilities to the Task Force in order to monitor and verify compliance;

(d) Promptly investigate allegations of recruitment and use of children and ensure the prosecution of perpetrators.

4. The action plan identifies time-bound activities relating to children associated with armed forces in Uganda. Among other things, the measures include verification visits to all UPDF facilities by the Uganda Task Force on Monitoring and Reporting and regular access to all relevant UPDF units by the Task Force. Beyond the verification visits to UPDF facilities, the action plan covers five other areas of activity: (a) ensuring cooperation with international organizations in the concrete implementation of the action plan, (b) preventing the recruitment of children under

the age of 18 years, (c) awareness-raising and capacity-building of UPDF soldiers, (d) releasing and reintegrating underage recruits and (e) enforcing accountability mechanisms in the event of any allegation of recruitment or use of children in UPDF or its auxiliary forces. The Task Force is providing ongoing support to the Government of Uganda in implementing these activities.

B. Progress on the implementation of the Uganda action plan

1. Verification visits to Uganda People's Defence Forces facilities in northern Uganda

5. In compliance with the above components of the action plan, the Government of Uganda and the Uganda Task Force on Monitoring and Reporting in early 2009 agreed upon a series of visits by the Task Force to UPDF facilities in northern Uganda, with a view to verifying that no persons under the age of 18 were present within, or recruited into, its ranks. The Task Force also sought to verify that members of UPDF and its auxiliary forces were not involved in committing other grave child rights violations, particularly in relation to sexual violence, which was a commonly reported violation committed by UPDF. It should be noted, however, that since September 2007 only 16 cases of sexual violence have been registered, and appropriate and timely action has been taken by the Ugandan authorities in those cases.[1] Significantly, no case of recruitment or use of children by UPDF or its auxiliary forces has come to the attention of the Task Force, as reflected in the inputs on Uganda to the eighth report of the Secretary-General on children and armed conflict. Throughout the visits, UPDF extended excellent cooperation to the verification team. The Task Force is planning to undertake another round of verification visits in the third and fourth quarters of 2009.

6. The verification team also confirmed that the local defence units were in the process of being phased out as part of the process of professionalizing UPDF. Local defence unit members who qualify to serve in the armed forces of Uganda under the established recruitment criteria will be formally integrated into UPDF. Members of local defence units who do not meet the recruitment criteria, including age, will be demobilized with a compensation package and reintegrated into civilian life.

2. Monitoring the recruitment process of the Uganda People's Defence Forces in the northern districts of Uganda

7. As part of the collaboration between the Uganda Task Force on Monitoring and Reporting and UPDF, the Task Force observed the UPDF recruitment process in the northern districts of Uganda, which took place on 12 and 13 February 2009 in Kitgum District and on 13 and 14 February 2009 in Pader District. Finally, on 21 February 2009, the recruitment exercise was concluded in Lira District. It was noted that strict age requirements for recruitment into UPDF, as set forth in existing laws and regulations, were strictly observed and followed by UPDF officers in compliance with the UPDF internal circular of February 2009 containing

[1] Of the 16 cases registered, six alleged perpetrators have been arrested, one remains under investigation and nine remain at large.

instructions on recruitment criteria in relation to the above-mentioned general recruitment exercise.[2]

3. Awareness-raising on child rights violations and Security Council resolution 1612 (2005)

8. The Uganda Task Force on Monitoring and Reporting members conducted awareness-raising on the rights of children and orientation for members of the UPDF Unit Disciplinary Committee in 5th Division headquarters in Pader District on 28 May 2009. Members of the Committee were sensitized on Security Council resolution 1612 (2005) and on the contents of the Uganda action plan regarding prevention of the recruitment and use of children by the Ugandan armed forces. Overall, the majority of members expressed a strong interest in getting more involved in the implementation of the action plan by taking active part in its dissemination and rollout. The Task Force members also used the forum to raise awareness of child rights violations, especially highlighting acts of sexual violence that had mainly been perpetrated against children by UPDF and its auxiliary forces. Particular emphasis was placed on the need for the Unit Disciplinary Committee to hold perpetrators of child rights violations accountable for their actions given that the Committee was mandated by article 195 of the 2005 Uganda People's Defence Forces Act to enforce discipline among UPDF and its auxiliary forces.

9. The Government of Uganda extended its cooperation to the Task Force in the implementation of the action plan, including by guaranteeing regular access to all relevant UPDF units, sharing and enhancing access to any existing documentation related to recruitment, permitting independent monitoring of the UPDF recruitment process and extending invitations for awareness-raising activities within the framework of the action plan.

III. Compliance of the Uganda People's Defence Forces and the local defence units

10. Based on the findings of its verification visits to UPDF facilities in northern Uganda, the Uganda Task Force on Monitoring and Reporting prepared an extensive report summarizing its activities and findings for consideration of the removal of UPDF and its auxiliary forces from the annexes to the eighth report of the Secretary-General on children and armed conflict. Following deliberations on the report of the Uganda Task Force on Monitoring and Reporting, the Task Force on Children and Armed Conflict at United Nations Headquarters, chaired by my Special Representative for Children and Armed Conflict, endorsed the recommendations contained in that report, and UPDF and its auxiliary forces, the local defence units, were then de-listed from annex II in the eighth report of the Secretary-General on children and armed conflict.

11. The Uganda Task Force on Monitoring and Reporting will, however, continue to monitor the compliance of UPDF within the action plan framework to ensure that

[2] The circular clearly spelled out the recruitment criteria of citizenship, medical fitness, age, level of education, possession of a driver's licence and good conduct. Regarding age, the instructions provide that "all officer cadets and recruits must be adult males and females between the ages of 18-25 years".

continuous efforts are made to prevent the recruitment and use of children and that the implementation of the action plan continues. However, the Lord's Resistance Army (LRA), whose leadership originates in Uganda and a significant number of whose forces are also from Uganda, remains listed in annex II to the Secretary-General's eighth report on children and armed conflict.

IV. Activities undertaken with regard to the December 2008 conclusions of the Security Council Working Group on Children and Armed Conflict with regard to Uganda

12. In the June 2008 additional report of the Secretary-General on Children and Armed Conflict in Uganda (S/2008/409, para. 9), the task forces on monitoring and reporting in Uganda, the Central African Republic, the Democratic Republic of the Congo and the Sudan,[3] in close cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the United Nations Mission in the Sudan (UNMIS), were requested to develop a strategy for increased regional joint capability to monitor and report on cross-border recruitment and use of children by the Lord's Resistance Army (LRA). In December 2008, in its latest conclusions on Uganda (S/AC.51/2008/13), the Security Council Working Group on Children and Armed Conflict requested the establishment of a joint regional strategy.

13. In response, the Uganda Task Force on Monitoring and Reporting has been engaged in consultations with the Resident Coordinator of the United Nations country team in Uganda, United Nations Children's Fund headquarters and regional offices, Department of Peacekeeping Operations missions in the Sudan and the Democratic Republic of the Congo and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict on appropriate steps to establish a subregional strategy to monitor and report on grave child rights violations committed by LRA in the region. That, coupled with reports on alleged atrocities committed by the rebel group during the reporting period, makes the realization of such a strategy particularly timely.

14. One of the sole recommendations that has not been adequately addressed to date has been the evacuation of all school premises by UPDF forces. Baralegi school in Lira District has remained under the occupation of the Presidential Guard Brigade since March 2004.

V. Grave violations against children perpetrated by the Lord's Resistance Army in the region

15. Although LRA violations against children were originally reported solely under Uganda country situation reporting, the geostrategic situation of that group, which is expanding its armed activities to the wider region, has necessitated that LRA violations now be reported under country situation reports to the Security Council and its Working Group on Children and Armed Conflict under an additional

[3] The peacekeeping missions in the Central African Republic, the Democratic Republic of the Congo and the Sudan chair their respective task forces.

three country situations of concern: Sudan, Democratic Republic of the Congo and Central African Republic.

16. LRA has not knowingly operated in Ugandan territory since the cessation of hostilities in August 2006. For that reason, no cases attributable to LRA have been recorded by the Uganda Task Force on Monitoring and Reporting. Over the past four years, however, the LRA, including a substantial but unknown number of Ugandan children associated with its forces, has increasingly moved into neighbouring countries to establish additional bases, and children and their communities in the Sudan, the Democratic Republic of the Congo and the Central African Republic have been the victims of attacks that have claimed hundreds of lives and resulted in the disappearance of hundreds of children. In the Democratic Republic of the Congo, 233 abductions of children by LRA were documented by child protection partners between 1 December 2008 and 30 June 2009; 128 of them occurred during violent attacks at the end of 2008. LRA attacks and continued military operations in the Democratic Republic of the Congo have triggered the displacement of 226,000 persons since the beginning of 2009.

17. The brutal assaults by LRA include killing and maiming, abductions, sexual abuses, looting and destruction of property. Since April 2008, escalating violence initially struck Haut-Uélé District, including the town of Dungu, and has spread into Bas-Uélé District since April 2009, following the deployment of troops reinforced by MONUC and Armed Forces of the Democratic Republic of the Congo in Haut-Uélé. In southern Sudan and the Central African Republic, where attacks are reported regularly, the situation is equally troubling.

18. In early November 2008, stakeholders in the peace process, including representatives from the Governments of Uganda and Southern Sudan, LRA, the United Nations, the African Union, donor countries and civil society, met in Kampala and called upon LRA leader Joseph Kony to sign the Comprehensive Peace Agreement aimed at ending the 23-year conflict between the Government of Uganda and LRA. Those efforts failed, however, and the Comprehensive Peace Agreement remains unsigned. Meanwhile, as previously mentioned, LRA has increasingly become a regional actor operating in the north-eastern Democratic Republic of the Congo, southern Sudan and the Central African Republic. On 14 December 2008, UPDF, the Armed Forces of the Democratic Republic of the Congo (FARDC) and the Sudan People's Liberation Army launched a joint military operation on LRA rebels in Garamba National Park in the Democratic Republic of the Congo. The attacks reportedly provoked the dispersion of LRA elements towards the Sudanese border and the south of the Haut-Uélé District of the Democratic Republic of the Congo. Since December 2008, LRA elements, operating in small groups, reportedly conducted attacks against several localities in the Democratic Republic of the Congo, killing civilians, burning houses and abducting children and adults. In total, it is estimated that more than 1,000 civilians have been killed and several hundred abducted by LRA since it increased its violent activities in 2008.

19. The security situation has hampered humanitarian access to many areas of the Haut-Uélé, Bas-Uélé and Ango Districts. UPDF began withdrawing from the joint military operation in mid-March 2009, handing over to FARDC officially on 20 March 2009.

20. In a worrisome development, many communities on both sides of the Congolese-Sudanese border have set up civilian defence groups as a direct

consequence of the increased insecurity caused by the LRA presence in the Democratic Republic of the Congo; those groups are largely composed of youth and traditional hunters. If not addressed quickly, those groups could pose a major risk for child recruitment; they should be closely monitored.

VI. Regional initiatives to strengthen Lord's Resistance Army monitoring and reporting

A. Regional monitoring and reporting mechanism

21. To date, information-sharing mechanisms between countries have been specific to each country-level task force for reporting purposes. Cross-border inter-agency information-sharing takes place for the coordination of repatriation of children. Finally, as noted above, monitoring and reporting for the Security Council on LRA is now to be managed by each country-level task force that has LRA listed as part of its mandate (i.e., Uganda, Democratic Republic of the Congo, Central African Republic and southern Sudan).

22. A regional meeting to address the challenges of more coherent and analytical reporting on LRA is scheduled to be held in Nairobi in the third quarter of 2009. Its overall objective is to promote a coordinated strategy owned by all concerned actors in the region to ensure appropriate reporting on child rights violations, including more in-depth analysis and region-wide recommendations on how to address those violations, a common advocacy platform and more efficient communication among country operations. A major part of that meeting will be dedicated to the realization of an agreed strategy for the implementation of a regional monitoring and reporting mechanism on grave child rights violations perpetrated by LRA, as recommended by the Security Council Working Group on Children and Armed Conflict (S/2008/49, para. 9, and S/AC.51/2008/13, para. 12 (a)).

B. Programmatic monitoring, reporting and response strategies

23. In January 2008, a meeting was conducted by UNICEF, Save the Children (Uganda), Save the Children (United Kingdom) based in the Democratic Republic of the Congo and the child protection section of MONUC to assess and plan for the release and cross-border return of children and women from LRA. The resulting plan details the process for their reception, disarmament, demobilization, repatriation/relocation and reintegration. It was developed by Save the Children in Uganda and UNICEF in collaboration with MONUC, relevant child protection actors and the Ugandan Amnesty Commission. In December 2008 and January 2009, the operational plan was updated to ensure roles and responsibilities based on the current capacity of all concerned actors, with the participation of UNICEF (Democratic Republic of the Congo, Uganda, Central African Republic and Sudan), MONUC, Cooperazione Internazionale, Save the Children United Kingdom and strategic partners (the United Nations High Commissioner for Refugees and the International Committee of the Red Cross). The plan was also discussed with the relevant armed forces of the Democratic Republic of the Congo (FARDC) and Uganda (UPDF) and local authorities, including Governmental disarmament,

demobilization and reintegration units, to ensure coordination and information-sharing.

VII. Recommendations

24. I welcome the cooperation extended by the Government of Uganda in the signing and realization of the action plan pursuant to Security Council resolutions 1539 (2004) and 1612 (2005) and the conclusions of the Security Council Working Group on Children and Armed Conflict, resulting in compliance with national and international legal instruments applicable to the Government of Uganda and encourage the continued cooperation of that Government with the monitoring and reporting task force in Uganda and relevant task forces in the region.

25. I encourage the Security Council Working Group on Children and Armed Conflict to consider visiting Uganda and the region to assess the impact of its work in Uganda and to review the regional impact of the violent activities of LRA on children there.

26. I strongly urge the Lord's Resistance Army to engage with United Nations country teams in the region for the immediate release of all children associated with its forces. In this regard, I call upon my Special Representative for Children and Armed Conflict, in coordination with relevant Governments and actors on the ground, to devise an advocacy and contact group to effect this release as a matter of urgency.

27. I further encourage the United Nations task forces on monitoring and reporting in Uganda, the Central African Republic, the Democratic Republic of the Congo and the Sudan, in close cooperation with the United Nations missions in the Democratic Republic of the Congo, the Sudan and the Central African Republic, to conclude their regional strategy on monitoring and reporting and to begin to report in a more coordinated manner on LRA abuses across the region as a matter of priority.

28. I strongly urge the Government of Uganda to prioritize the protection of children in its military actions against LRA elements, either on Ugandan territory or in joint operations in neighbouring countries.

United Nations S/2009/463

Security Council

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Letter dated 15 September 2009 from the President of the Security Council addressed to the Secretary-General

I have the honour to forward to you the attached concept paper for the Security Council summit in connection with nuclear non-proliferation and nuclear disarmament, to be held on 24 September 2009 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Susan E. **Rice**

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Annex to the letter dated 15 September 2009 from the President of the Security Council addressed to the Secretary-General

Concept paper for the Security Council Summit on Nuclear Non-Proliferation and Nuclear Disarmament

Preventing the spread and use of nuclear weapons is fundamental to the security of nations and to the peace of the world. As President Obama noted earlier this year, "One nuclear weapon exploded in one city — be it New York or Moscow, Islamabad or Mumbai, Tokyo or Tel Aviv, Paris or Prague — could kill hundreds of thousands of people. And no matter where it happens, there is no end to what the consequences might be — for our global safety, our security, our society, our economy, to our ultimate survival." With the recent G8 statement in L'Aquila on non-proliferation, the upcoming Nuclear Security Summit in March 2010 and the Nuclear Non-Proliferation Treaty Review Conference to follow, there is an opportunity for important global attention and focus on this critical security issue.

On 24 September, the United States will convene the Security Council at the level of Heads of State and Government to discuss nuclear non-proliferation and nuclear disarmament. This Security Council Summit will be chaired by President Obama and is intended to draw attention at the highest levels of government to the nuclear dangers confronting the international community and the urgency of taking concrete steps to address them.

The Security Council Summit will focus on nuclear non-proliferation and nuclear disarmament broadly and not focus on any specific countries. The goals will be to underscore the global reach of proliferation threats; the broadly shared obligation to respond; the positive steps taken to reduce nuclear dangers; and the essential role of the Security Council in addressing growing and pressing nuclear threats.

Three key and related nuclear threat reduction topics will be discussed: arms control and nuclear disarmament, strengthening the international nuclear non-proliferation regime, and denying and disrupting illicit trafficking in materials of proliferation concern and securing such materials wherever they might be located.

Specifically, the Summit can highlight and bolster international support for multilateral nuclear arms control treaties and ongoing nuclear disarmament efforts, including a reaffirmation of the commitment to the Nuclear Non-Proliferation Treaty and to work towards a world without nuclear weapons.

The Summit is also intended to be an opportunity to build support for Fissile Material Cut-off Treaty negotiations, the International Atomic Energy Agency Additional Protocol, ratification of the Comprehensive Nuclear-Test-Ban Treaty, and strategic arms control, including new START negotiations.

With a goal of strengthening the existing international nuclear non-proliferation regime, the Summit can facilitate support for technical assistance and access to peaceful uses of nuclear energy, multilateral approaches to the nuclear fuel cycle, and efforts to improve and ensure compliance with non-proliferation and safeguards obligations and to prevent abuse of the NPT withdrawal provision.

The Summit is an opportunity to explore means to enhance States' abilities to counter proliferation financing and eliminate procurement networks. Furthermore, the Summit can reinforce implementation of Security Council resolution 1540 (2004), including through continued funding to assist States in implementing the resolution's key provisions.

Finally, the Summit is intended to underscore the importance of an accelerated effort to secure nuclear weapons materials around the world and to build support for establishing and sharing best practices for nuclear security.

All of these elements are part of a comprehensive approach to reducing global nuclear dangers and risks posed by terrorist acquisition of nuclear weapons or materials. The threats are urgent and real, and the role of the Security Council in addressing these dangers is unique and indispensable. The Summit meeting will help bring renewed international attention and determination to address these issues.

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General Assembly
Sixty-fourth session
Items 15 and 16 of the provisional agenda*

The situation in the Middle East

Question of Palestine

Security Council
Sixty-fourth year

Peaceful settlement of the question of Palestine

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 63/29. It contains replies received from the President of the Security Council and the parties concerned to the notes verbales sent by the Secretary-General pursuant to the request contained in paragraph 21 of the resolution. The report also contains the observations of the Secretary-General on the current state of the Israeli-Palestinian conflict and on international efforts to move the peace process forward with a view to achieving a peaceful settlement. The report covers the period from September 2008 to August 2009.

* A/64/150 and Corr.1.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 63/29.

2. On 1 July 2009, pursuant to the request contained in paragraph 21 of the above-mentioned resolution, I addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 63/29, which the General Assembly adopted on 26 November 2008, at its sixty-third session, under the agenda item 'Question of Palestine'.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 31 July 2009."

3. On 24 July 2009 the following reply was received from the Security Council:

> "The goal of achieving a peaceful settlement of the question of Palestine remains one of the major challenges facing the international community, including the Security Council.
>
> "The Security Council considers the situation in Palestine each month under an agenda item on 'The situation in the Middle East, including the question of Palestine,' with general presentations in the form of briefings by either the Under-Secretary-General for Political Affairs or the United Nations Special Coordinator for the Middle East Peace Process, followed by an open meeting of the Council or by consultations among Council members.
>
> "On 22 July 2008, the Council convened an open debate on the situation in the Middle East, during which it heard a briefing by the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, who indicated a number of encouraging developments across the region and stressed the importance of achieving further visible progress in peaceful negotiations, consolidating the ceasefire and resolving the humanitarian crisis in Gaza, and improving the livelihood of Palestinians in the Occupied Territories. Most representatives called upon the parties concerned to renounce violence, implement agreements, abide by their obligations under international law, particularly human rights and humanitarian law, and take further concrete action to advance the peace process towards its stated goals on the basis of United Nations resolutions, the principle of land for peace, the Arab Peace Initiative and the Annapolis Conference.
>
> "On 20 August 2008, the Council heard a briefing by the Under-Secretary-General for Political Affairs on the situation in the Middle East, including the Palestinian question, which was followed by consultations of the whole. The Under-Secretary-General informed the Council that Israeli-Palestinian negotiations as part of the Annapolis process were continuing, that the fragile ceasefire between Israel and Hamas had been largely respected, but that the situation on the ground remained a cause for concern, particularly the continuing settlement activity across the West Bank and in East Jerusalem, and the rise of internal Palestinian violence. The organization in September of a meeting of the Quartet, followed by an iftar with Arab partners, and a meeting

of the Ad Hoc Liaison Committee would provide occasions to take stock of the progress made and to assist in the implementation of donor pledges to address the impending Palestinian budget crisis.

"The Under-Secretary-General concluded by reaffirming the Secretary-General's commitment to a just and lasting comprehensive regional peace in the Middle East, based on Security Council resolutions. The meeting was followed by consultations of the whole.

"The Council examined this issue twice during the month of September 2008.

"On 18 September 2008, in consultations, the Special Coordinator for the Middle East Peace Process, Robert Serry, briefed the Council on the negotiations taking place between Israel and the Palestinian Authority, in particular the talks of 26 and 31 August and 16 September 2008. He also stated that relations between the Syrian Arab Republic and Lebanon were improving, while the blockade imposed by Israel in the Gaza Strip was still a concern.

"At the request of the Permanent Mission of Saudi Arabia to the United Nations on behalf of the Arab League, the Security Council held a debate on 26 September 2008, at the ministerial level. Although many delegations focused their statements on the settlements that were still going on in the Palestinian territories, others spoke about the global situation in the Middle East.

"On 22 October 2008, the Council heard a briefing on the Middle East from the Under-Secretary-General for Political Affairs. He told the Council, inter alia, that despite ongoing efforts by the parties concerned, the situation on the ground was not improving 'in the way that is required' to ensure a durable settlement. He also hoped that, notwithstanding the transition currently under way, the Israel-Palestinian negotiations would not only continue but would intensify until the end of the year, within the framework of the Annapolis process. During consultations of the whole, many members of the Council reaffirmed their support for the continuation of Israeli-Palestinian negotiations, and expressed the wish that the United Nations would, as appropriate, play a greater role in support of the peace process. Members of the Council also emphasized that the international community could not lose sight of the humanitarian situation on the ground.

"On 25 November 2008, the Council was briefed by the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, on the situation in the Middle East, including the Palestinian question. He expressed regret that Israel and the Palestinians were likely to fall short of their commitment, made at Annapolis, to reach an agreement by the end of the year. At the same time, he welcomed the parties' affirmation that they had engaged in direct, sustained and intensive negotiations.

"After the briefing, owing to the sensitivity of the issue, the Council held consultations of the whole, during which members of the Council held an interactive dialogue with the Under-Secretary-General.

"On 3 December 2008, the Security Council held a debate to discuss the situation in connection with the Libyan ship which was heading to the Port of

Gaza carrying humanitarian supplies. Members of the Council made statements. The Council also heard statements by the Permanent Observer of Palestine and the Permanent Representative of Israel. The Council did not reach any specific conclusion.

"On 5 December 2008, the Council addressed events in Hebron in consultations of the whole. Following the consultations, the President of the Council informally conveyed to the press that the members of the Council welcomed Israel's evacuation of settlers, condemned the resulting settler violence, urged respect for the rule of law without discrimination or exception and encouraged Israel and the Palestinian Authority to continue their security cooperation in the Hebron Governorate.

"On 16 December 2008, the Security Council adopted resolution 1850 (2008) by 14 votes in favour, with 1 abstention. The adoption was preceded by a Council debate that included the ministerial participation of several members and was chaired by the Prime Minister of the Republic of Croatia, Ivo Sanader. The Secretary-General also addressed the Council. Reiterating the vision of the two-State solution while noting the importance of the 2002 Arab Peace Initiative and the Quartet's ongoing work, the Council, in resolution 1850 (2008), declared its support for the Annapolis process and the irreversibility of the negotiations. The Security Council supported the parties' agreed principles for the bilateral negotiations, called on both parties to fulfil their obligations under the Road Map and refrain from any steps that could undermine confidence or prejudice the outcome of negotiations, and called on all States and international organizations to contribute to an atmosphere conducive to negotiations and to assist the Palestinian Authority. It urged intensified diplomatic efforts to foster mutual recognition and peaceful coexistence in the region in the context of achieving a comprehensive, just and lasting peace in the Middle East, and welcomed the consideration of an international meeting in Moscow in 2009.

"On 18 December 2008, the Security Council held an open debate on the situation in the Middle East, including the Palestinian question. The Council heard a briefing by the Special Coordinator for the Middle East Peace Process, Robert Serry, on the situation in Gaza and the West Bank. He also addressed the situation in Lebanon and the dynamics between the Syrian Arab Republic and Israel. He said that the main objective in the coming year was to sustain the political process during a period of transition, emphasizing the importance of the adoption of resolution 1850 (2008). He appealed for the observance of basic humanitarian principles in Gaza and warned against the escalation of violence. The Security Council then heard statements by the Permanent Observer of Palestine and the Permanent Representative of Israel. Representatives of Brazil, Cuba, Qatar, Turkey, Japan, the Islamic Republic of Iran, Chile, Pakistan, the Bolivarian Republic of Venezuela, Morocco, Norway, Australia, Iceland and the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People also addressed the Council.

"On 28 December 2008, after consultations of the whole that had begun the previous evening following the outbreak of violence in the Gaza Strip and southern Israel, the President of the Council read out a statement to the press, expressing serious concern at the escalation of the situation in Gaza, and

calling for an immediate halt to all violence, calling for all parties to address the serious humanitarian and economic needs in Gaza, and stressing the need for the restoration of calm in full, which would open the way for finding a political solution.

"On 31 December 2008, the Security Council held an emergency meeting on the situation in the Gaza Strip and southern Israel. The Secretary-General addressed the Council, expressing profound concern that the Security Council's call for an end to the violence had gone unheeded, emphasizing the suffering of the civilian population in Gaza and stating that all parties must fully uphold international humanitarian law. He stressed the need for decisive action and welcomed efforts by European and Arab leaders. The Permanent Observer of Palestine and the Permanent Representative of Israel also addressed the Council. Members of the Council made statements, followed by the representatives of Egypt and the Permanent Observer for the League of Arab States.

"On 3 January 2009, the Council held consultations of the whole on the situation in Gaza.

"On 6 and 7 January 2009, the Council held a public debate at the ministerial level on the item entitled 'The situation in the Middle East, including the Palestinian question'. During the debate, the Secretary-General, the President of the Palestinian National Authority, the representative of Israel, and representatives of other States Members of the United Nations (including Ministers for Foreign Affairs, in particular of the Arab League States) made statements.

"On 8 January 2009, after thorough consultations, including at the ministerial level, the Council held a meeting presided over by the Minister for Foreign Affairs of France, Bernard Kouchner, at which it adopted resolution 1860 (2009) by 14 votes in favour, with 1 abstention. In the resolution, the Council called for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza.

"On 13 January 2009, during consultations of the whole, the Council was briefed by the Secretary-General before his visit to the Middle East. In their statements, Council members welcomed the efforts of the Secretary-General. On 15 January, in consultations of the whole, the Council was briefed by the Assistant Secretary-General for Political Affairs, Haile Menkerios, on the situation in Gaza, following the attacks on the headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). During the consultations, there was an agreement on elements for remarks to be made by the President to the press. The President of the Council expressed grave concern, in particular following the military operations against hospitals, a building hosting journalists and the headquarters of UNRWA.

"On 21 January 2009, the Council held a public meeting to receive a briefing by the Secretary-General following his visit to the Middle East. During the consultations of the whole that followed, members of the Council agreed to issue a statement to the press, in which they welcomed the ceasefire in Gaza, expressed their strong appreciation for the efforts of the Secretary-

General and reiterated their grave concern at the humanitarian situation in Gaza.

"On 27 January 2009, the Council held a meeting at which it heard briefings by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and by the Commissioner-General of UNRWA, Karen AbuZayd, on the situation in Gaza. It was the first time that a Commissioner-General of UNRWA had been invited to address the Council. Both the Under-Secretary-General and the Commissioner-General expressed great concern about the humanitarian situation in Gaza and stressed the importance of free access for humanitarian aid. The meeting was followed by consultations of the whole.

"On 18 February 2009, the Council heard a briefing on the Middle East by the Special Coordinator for the Middle East Peace Process, Robert Serry. He reported to the Council that a number of issues, including the humanitarian situation in Gaza, Palestinian reconciliation, and the new political situation in Israel, needed to be addressed for the peace process to advance and emphasized the importance of a durable and sustainable ceasefire as called for in resolution 1860 (2009). With regard to Lebanon, he noted that the situation remained relatively stable despite increased tension following the crisis in Gaza. During the consultations of the whole that followed, many Council members stressed the need for an effective ceasefire, unimpeded access for humanitarian assistance, the opening of the crossings into Gaza and Palestinian unity.

"On 25 March 2009, the Council held its 6100th meeting to consider the agenda item entitled 'The situation in the Middle East, including the Palestinian question'.

"The Council heard a briefing by B. Lynn Pascoe, Under-Secretary-General for Political Affairs. Mr. Pascoe began the briefing by stating that 'two months after unilateral ceasefires were declared in Gaza, we face a worrying situation of impasse and uncertainty. Despite international engagement and support, very little concrete progress has been made on key issues outlined in Security Council resolution 1860 (2009).' In conclusion, he stressed that 'it is important that the Quartet and the international community act with unity of purpose to help stabilize Gaza and reinvigorate the peace process. We need to have both Israeli and Palestinian Governments that are clearly committed to the two-State solution. We need a continuation of negotiations, the implementation of commitments on the ground and a strategy for de-escalating tensions and addressing the urgent humanitarian needs in Gaza.'

"Turning to Lebanon, he said that the killing by a roadside bomb of the Deputy Representative in Lebanon of the Palestine Liberation Organization (PLO) on 23 March 2009 had interrupted the prevailing relative calm in the country.

"Following the briefing, the Council heard statements by the Permanent Observer of Palestine, and the Permanent Representative of Israel.

"Statements were made by Council members, the President, in his national capacity, and the representatives of Egypt and Lebanon.

"Upon resumption of the meeting, the Council heard statements by the representatives of Cuba (on behalf of the Non-Aligned Movement), the Syrian Arab Republic, the Czech Republic (on behalf of the European Union), Brazil, Morocco, Qatar and Bangladesh. The Council then heard statements by Paul Badji, Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the representatives of Indonesia, Ecuador, Malaysia, Algeria, Mauritania, South Africa, Norway, the Islamic Republic of Iran, Nicaragua, Jordan, Australia, the Republic of Korea, Mali, Pakistan and the Bolivarian Republic of Venezuela (S/PV.6100-SC/9626).

"On 20 April 2009, the Council heard a briefing on the situation in the Middle East by B. Lynn Pascoe, Under-Secretary-General for Political Affairs. Mr. Pascoe reported that very little progress had been made on the key elements of resolution 1860 (2009), namely the commitment of the parties to a durable and sustainable ceasefire, the opening of the crossings for humanitarian access and provision of materials for recovery, and intra-Palestinian reconciliation. He conveyed the Secretary-General's expectation that the Middle East peace process would resume, with the aim of achieving an independent and viable Palestinian State living side by side in peace with a secure Israel and a comprehensive Arab-Israeli peace as envisaged in Security Council resolutions. He stated that the situation in Gaza and southern Israel remained fragile in the absence of a proper ceasefire regime, and noted that 30 rockets and mortars had been fired by Palestinian militants at southern Israel during that period. He also highlighted Egyptian efforts to combat the continued arms smuggling across the Gaza border, and informed the Council that settlement activity had continued in the West Bank and East Jerusalem during the reporting period and must be frozen. After the meeting, the Council held informal consultations. Members drew attention to the need to achieve a stable ceasefire, implement the provisions of Council resolutions 1850 (2008) and 1860 (2009) and open Gaza's border crossings to allow for the entry of more humanitarian aid and essential goods and materials.

"On 11 May 2009, the Security Council held a ministerial-level meeting on the Middle East peace process chaired by the Minister for Foreign Affairs of the Russian Federation, Sergei Lavrov. Speaking at that event, the Secretary-General, Ban Ki-moon, stressed the need to generate momentum in the Israeli-Palestinian talks, warning that the situation on the ground could worsen easily without fresh efforts by both sides as well as by the international community. After the inconclusive results of the previous year's negotiations and the bloodshed in Gaza, the previous three months had witnessed almost no progress on the two key resolutions — 1850 (2008) and 1860 (2009).

"The Secretary-General also referred to the deep crises of confidence among 'ordinary people on the ground'. He said that Palestinians continued to see unacceptable unilateral actions in East Jerusalem and the remainder of the West Bank, such as 'house demolitions, intensified settlement activity, settler violence and oppressive movement restrictions due to permits, checkpoints and the barrier'. He stressed that the time had come for Israel to fundamentally change its policies in that regard. However, he also emphasized that ordinary Israelis needed reassurance that a future Palestinian State would guarantee their right to live in peace and security, and he stated that 'indiscriminate rocket attacks that have caused loss of life, civilian suffering and damage to

property in Israel are not only deeply unacceptable, but also totally counterproductive, and must cease'.

"He also stated that the challenge was to begin to implement transformative changes on the ground; and to kick-start a renewed and irreversible drive to achieve an Israeli-Palestinian agreement, stressing that resolving the Israeli-Palestinian conflict was fundamental to the well-being of both peoples, the region and the world.

"In their interventions, members of the Council reaffirmed their hope that the commitments made by the parties would be kept and stated that the parties must pursue an irreversible effort towards the two-State solution, including by fully implementing commitments on the ground. Council members also voiced their concern about the situation in and around Gaza, including continued arms smuggling into Gaza and continued Hamas rocket fire from Gaza into Israel, as well as Israeli settlement activities undermining the contiguity and viability of the Occupied Palestinian Territory and jeopardizing the two-State solution, and stressed the need for Palestinian reconciliation.

"The Security Council adopted a Presidential Statement (S/PRST/2009/14) at the end of its session, read by Mr. Lavrov, in which the Council stressed the urgency of reaching comprehensive peace in the Middle East. It stated that vigorous diplomatic action was needed to attain the goal set by the international community of lasting peace in the region, based on an enduring commitment of mutual recognition and on previous agreements and obligations.

"The Council also voiced support for the Russian Federation's proposal to convene, in consultations with the Quartet and the parties, an international conference on the Middle East peace process in Moscow later that year.

"The Council continues to pay close attention to developments in the situation in the Middle East; the next meeting on this question is scheduled to be held on 27 July 2009."

4. In a note verbale dated 30 April 2009 to the parties concerned, I sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as of the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 31 August 2009, replies had been received from Israel and the Palestine Liberation Organization. The note verbale dated 20 July 2009 from the Permanent Mission of Israel to the United Nations reads as follows:

"As shown in the meeting records, Israel voted against this resolution, as it has done on similar resolutions adopted in the past by the General Assembly. The Permanent Mission of Israel wishes to reiterate the considerations guiding this voting practice in light of the current situation.

"Despite the continuation of intensive Israeli-Palestinian dialogue during 2008, Palestinian terrorism continued unabated and remains an alarming reality. During 2008, over 3,100 rockets and mortars were launched against Israel by Hamas, including over 360 during the so-called 'lull' initiated in June 2008. Deliberately targeting Israeli civilian targets and cynically launched from within Palestinian civilian concentrations, these attacks came in the wake

of seven years of similar attacks, during which over 8,900 rockets and mortars had been fired at Israel from Gaza.

"This campaign of terror reached a pinnacle towards the end of 2008, with over 300 rockets and mortars hitting Israel in the single week between December 21 and December 27, leaving it with no choice but to act to protect its civilians from the unceasing barrage of rocket fire. Moreover, during 'Operation Cast Lead' an additional 571 rockets and 205 mortars landed in Israel, reaching as far as the cities of Ashdod, Beer Sheva and Gedera.

"This campaign of violence has not been limited to rocket fire from Gaza. Palestinian terrorists carried out numerous terror attacks during 2008, killing 12 and wounding dozens of Israeli civilians. On 4 February 2008, a Palestinian suicide bomber killed an Israeli woman in Dimona; on 6 March 2008, a Palestinian terrorist went on a shooting rampage in a religious seminary in Jerusalem, killing eight high school students; and in three separate incidents in July 2008 and March 2009, Palestinians driving bulldozers plowed into Israeli bystanders, killing three and wounding numerous others.

"Hamas, entrenched in Gaza with the support of the Islamic Republic of Iran, continues to stockpile weapons of ever-increasing lethality and range, operating a full-fledged weapons-smuggling operation through the extensive tunnel network running under the Egypt-Gaza border.

"In addition, Hamas has been holding kidnapped Israeli corporal Gilad Shalit incommunicado for over three years, violating basic humanitarian practice of permitting the International Committee of the Red Cross access to see the captive. The Hamas regime continues to reject the Quartet conditions, persists adamantly in its calls for Israel's destruction and remains vigilant in its commitment to seeing this grim vision through. It is disturbing, if not to say appalling, that resolution 63/29 makes no mention of any of the above.

"Notwithstanding this concerted and enduring campaign of violence against Israeli civilians and testifying to Israel's commitment to humanitarian principles even in the face of it, Israel continues to facilitate the entry of large quantities of humanitarian supplies into Gaza, including in the very midst of the recent Gaza conflict. Between the June 2007 Hamas takeover of Gaza and September 2008, 35,542 trucks bearing 813,870 tons of humanitarian supplies entered Gaza through the crossings from Israel. During Operation Cast Lead alone, 1,503 trucks carried 37,159 tons of humanitarian aid into Gaza via the Kerem Shalom and Karni crossings, alongside 1,535,750 litres of heavy-duty diesel for the Gaza power station.

"In addition, over the past months, and especially in recent weeks, the Government of Israel has authorized a major easing of security-related restrictions in the West Bank, dismantling two thirds (27 of 41) of the formerly existing checkpoints and some 140 dirt roadblocks during the past year. These positive developments, noted and lauded by the Quartet Envoy, accompany a marked improvement in economic indicators in the West Bank. Israel has taken these steps as confidence-building measures, with the aim of further encouraging Palestinian economic activity, despite the fact that in the past, such gestures have directly resulted in an upsurge in terror attacks by Palestinians against Israelis. The Permanent Mission expresses its hope that

the Palestinians will depart from prior practice and seize this opportunity to focus their collective energies in such ways as may serve to nurture peaceful coexistence with Israel.

"The Government of Israel has repeatedly extended an open and unequivocal invitation to launch peace talks with the Palestinian Authority. Guiding Israel in this respect is a vision of a reinvigorated political process alongside a rejuvenated effort to focus on economic cooperation and development. Regrettably, these overtures have been rejected by the Palestinian Authority.

"Despite an ongoing and acute threat to its security, Israel has gone to great lengths to assist in extending humanitarian assistance, fostering conditions for Palestinian economic development and cooperation, and engaging in political dialogue with the Palestinian Authority. Regrettably, these overtures have yet to achieve their goal of reaching comprehensive, just and lasting peace. Inexcusably, they are given no mention in resolution 63/29.

"Thus, far from acting as a vehicle for promoting a peaceful resolution of the Palestinian-Israeli conflict, resolution 63/29 joins the numerous one-sided resolutions passed annually by the General Assembly on Israel which serve only to undermine the credibility of the United Nations as an impartial agent for the advancement of peace. The Permanent Mission takes this opportunity to urge the Secretary-General to use his good offices to encourage a cessation of this counterproductive practice."

The note verbale dated 26 June 2009 from the Permanent Observer of Palestine to the United Nations reads as follows:

"The urgency of ending the tragedy and injustice inflicted upon the Palestinian people after more than 61 years of statelessness and dispossession and more than 42 years of military occupation and oppression by Israel, the occupying Power, cannot be overstated. For too long the Palestinian people have suffered crises, loss and subjugation, their human rights and fundamental freedoms brutally violated, and for too long the inability to achieve a just solution to the question of Palestine, despite persistent and noble efforts, has represented a tragic failure on the part of the international community, with grave consequences for not only the Palestinian and Israeli peoples, but for the Middle East region and beyond. The question of Palestine, which lies at the core of the Arab-Israeli conflict as a whole, is indeed central to the quest for regional and international peace, security and stability in our contemporary world, and a peaceful settlement is long overdue.

"There is international consensus that achieving a just and peaceful settlement of the question of Palestine, in accordance with international law and relevant United Nations resolutions, is a political, security, legal, human rights, humanitarian and moral imperative for the international community. This is clearly reflected in the General Assembly's annual adoption of the resolution on the 'Peaceful settlement of the question of Palestine' by an overwhelming majority.

"From Palestine's perspective, the role of the United Nations remains central for the promotion of a peaceful settlement. As affirmed in numerous resolutions, the responsibility of the United Nations towards the question of

Palestine is an enduring one until the achievement of a just, lasting and comprehensive solution. During this critical period, Palestine reaffirms the importance of, as well as deep gratitude for, the efforts of the United Nations system, including its principal organs and specialized agencies, vis-à-vis the question of Palestine in, inter alia, the humanitarian, political, socio-economic, human rights and development fields. However, more concerted efforts are essential if the Charter, United Nations resolutions and the rule of law are to be truly upheld, and United Nations organs, including, inter alia, the General Assembly, Security Council, Human Rights Council, Economic and Social Council, International Court of Justice and the International Criminal Court, must continue to exert all efforts in this regard.

"Israel's flagrant and deliberate violation of its legal obligations and United Nations resolutions must not continue to be tolerated. This has only emboldened Israeli impunity and lawlessness and further complicated the conflict. Such violations by the occupying Power must be directly addressed with the appropriate actions and measures at the international community's disposal if the responsibility for achieving a peace settlement based on the two-State solution is ever to be fulfilled.

"Guided by the purposes and principles of the Charter, international law, including humanitarian and human rights law, and relevant United Nations resolutions, as well as the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Quartet Road Map, the international community must intensify its collective efforts to promote a peace that brings to an end the occupation of the Palestinian Territory, including East Jerusalem, that began in 1967, and the establishment of the independent State of Palestine, as well as a just and agreed solution to the plight of the Palestine refugees on the basis of General Assembly resolution 194 (III). The parameters and core requirements for achieving such a peace are clearly stipulated in resolution 63/29, just as they have been for decades.

"Indeed, despite the passage of time, cyclical crises and the deterioration of the situation on the ground in the Occupied Palestinian Territory, including East Jerusalem, the solution to the Israeli-Palestinian conflict remains the same: two States for two peoples to live side by side in peace and security. This solution finds its foundation in resolution 181 (II) of 29 November 1947 and has been reaffirmed and called for thereafter in numerous United Nations resolutions, including Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), General Assembly resolutions on the question of Palestine and on the right of the Palestinian people to self-determination, as well as in the 2004 advisory opinion of the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory. The two-State solution is also at the crux of the Arab Peace Initiative and the Road Map.

"Regrettably, however, the months since the adoption of resolution 63/29 have been marked by the dramatic deterioration of the situation at all levels in the Occupied Palestinian Territory and by the obstruction of the efforts to achieve a peaceful settlement.

"With the exception of a few encouraging developments — such as: (a) the adoption by the Security Council of resolution 1850 (2008), in which

the Council, inter alia, declared its support for the Annapolis process and the resolution of all outstanding issues, including all core issues; called on the parties to fulfil their obligations under the Road Map and to refrain from any steps that could undermine confidence or prejudice the outcome of negotiations; and urged the intensification of diplomatic efforts towards achievement of a comprehensive, just and lasting peace in the Middle East; (b) the adoption by the Security Council of resolution 1860 (2009) at the height of the Israeli military aggression against the Gaza Strip, in which the Council, inter alia, called for a permanent and durable ceasefire, unimpeded provision of humanitarian assistance, arrangements for the sustained reopening of Gaza's crossing points, and renewed and urgent peace efforts; (c) the renewal of the Arab Peace Initiative in March 2009 by the League of Arab States Summit despite the marked deterioration of the situation; (d) the adoption by the Security Council of presidential statement PRST 2009/14, in which the Council, inter alia, reaffirmed the two-State solution, the basis for achieving a peaceful settlement, and the irreversibility of the peace process; (e) ongoing Egyptian efforts to promote a ceasefire, as well as Egyptian and regional efforts to foster Palestinian reconciliation and unity; (f) the more active, balanced and just approach being undertaken by the United States administration of President Barack Obama towards the Israeli-Palestinian conflict and the Arab-Israeli conflict as a whole, based on a clear commitment to the two-State solution for the achievement of peace; and (g) the comprehensive and forward-looking statement by the Quartet on 26 June 2009 in Trieste, Italy — the period since the adoption of resolution 63/29 has witnessed a series of negative developments and setbacks as a result of Israel's continued breach of all rules and norms of international law, in particular the Fourth Geneva Convention, which has had a detrimental effect on the situation on the ground and the drive for peace.

"Even the minimal progress made in the Israeli-Palestinian peace process since its relaunch at the November 2007 Annapolis Conference has been undermined by Israel's illegal and aggressive policies in the Occupied Palestinian Territory, particularly its colonization campaign throughout the West Bank, its blockade in collective punishment of the entire civilian population in the Gaza Strip, and its daily humiliation and degradation of the Palestinian people. Such actions constitute gross violations of international law, including systematic human rights violations and war crimes against the Palestinian people, and of United Nations resolutions, and show contempt for the will of the international community.

"At the same time, Israel's unlawful actions have seriously compromised its credibility as a partner in the peace process. Rather than conducting negotiations in good faith and refraining from taking measures prejudicing the outcome of negotiations on the core issues — Jerusalem, settlements, refugees, borders, security and water — and repeatedly undermining confidence, the occupying Power has instead continued to brutally oppress the Palestinian civilian population and to establish ever more facts on the ground, creating more obstacles to contend with, deepening mistrust and preventing any real progress from being achieved, despite the convening of 27 meetings between the two sides since the Annapolis Conference.

"In comparison, the Palestinian leadership has exerted all efforts to uphold its obligations and commitments under international law, agreements reached and the Road Map. It has conducted negotiations in good faith, repeatedly reaffirmed its commitment to the two-State solution for peace, striven to promote a positive environment for negotiations, made extensive and well-documented progress in fulfilment of its obligations regarding promotion of security and law and order in the areas under the Palestinian Authority, diligently worked with the support of the international donor community to build the institutions of the future Palestinian State, and also continued to strive for much-desired national reconciliation and unity. All of this has been achieved by the Palestinian leadership despite the obstacles and measures imposed by Israel that have undermined these efforts and despite Israel's blatant intransigence and violation of its legal obligations and commitments in total contradiction of the goals and spirit of the peace process.

"In this regard, Israel, the occupying Power, has intensified settlement activities, construction of the Wall, home demolitions and excavations, particularly in and around East Jerusalem; it has intensified its imposition of obstacles to the movement of persons and goods throughout the West Bank and its imposition of the two-year blockade on Gaza; it has continued to carry out military raids and assaults killing and injuring Palestinian civilians; it has continued to arrest, detain and imprison thousands of Palestinian civilians, with over 11,000 Palestinians, including hundreds of women and children, in Israeli jails, suffering inhumane conditions and treatment; and it has continued to exploit Palestinian natural resources and cause extensive environmental damage in the Territory.

"All recent reports, including those by United Nations agencies on the ground such as UNRWA, Office for the Coordination of Humanitarian Affairs, Office of the United Nations Special Coordinator for the Middle East Peace Process, United Nations Children's Fund, United Nations Development Programme, World Health Organization and World Food Programme, inter alia, attest to the decline of the economic, social, political, humanitarian and security conditions, especially in Gaza, as a result of Israel's illegal and destructive policies. Poverty and unemployment rates remain inordinately high, health and education standards continue to decline, food insecurity is rampant, civilian lives continue to be threatened and lost as a result of the violence perpetrated by the Israeli occupying forces and settlers, and thousands more civilians have been displaced, which has exacerbated the hardships being endured by the Palestinian people under occupation.

"This negative trend culminated in Israel's horrific military aggression against Gaza from 27 December 2008 to 19 January 2009 (Operation Cast Lead), in which more than 1,400 Palestinian civilians, including hundreds of children and women, were killed and more than 5,500 civilians were injured. The high number of casualties was the result of direct targeting by Israel of civilian areas and objects, including UNRWA schools where Palestinian civilians were known to be sheltering from the violence, and use of excessive, indiscriminate force and lethal, even prohibited, weaponry and ammunition, including white phosphorous, against the defenceless population. This has been verified by several investigations, including by the Secretary-General's Board of Inquiry, the League of Arab States' Independent Fact-Finding

Committee on Gaza and many human rights and humanitarian organizations on the ground.

"The Israeli occupying forces also caused wanton destruction throughout Gaza. Thousands of Palestinian homes were destroyed or seriously damaged. In addition, businesses, schools, hospitals, vital infrastructure such as roads, water, sanitation and electricity networks, agricultural land and numerous United Nations facilities were destroyed. The widespread destruction rendered thousands of people homeless. Moreover, appallingly, more than six months later no reconstruction of damaged or destroyed properties has been carried out owing to Israel's ongoing blockade of Gaza, by which it has prohibited the entry of materials essential for reconstruction as well as the import and export of all other goods, with the exception of the minimum of food and medicine necessary to sustain the civilian population and other minor exceptions on a case-by-case basis.

"The massive deprivation and brutality inflicted by Israel on Gaza has traumatized and terrorized the Palestinian civilian population and the impact on the socio-economic, humanitarian, psychosocial and security situation has been disastrous. Moreover, at the time of writing this note, the peace process, which was suspended with the launch of the Israeli war against Gaza, remains frozen.

"The current situation is abnormal, unjust and untenable. The opening of Gaza's border crossings to allow for the free movement of persons and goods, including unimpeded humanitarian access, commercial flows necessary for revival of the collapsed economy and civilian needs, and import of construction materials, spare parts and adequate fuel supplies is a matter of urgency. There is no acceptable justification for Israel's continued imprisonment of the 1.5 million Palestinians in Gaza. Immediate efforts must be undertaken to ensure the sustained opening of the crossings in accordance with international humanitarian law, United Nations resolutions and the 2005 Agreement on Movement and Access. This is essential for reconstruction and healing the deep physical, psychological and societal wounds of Gaza, as well as for altering the very negative, tense environment between the two sides.

"Furthermore, Palestine emphasizes the importance of the continued pursuit of justice and accountability with regard to the war crimes committed by Israel, the occupying Power, against the Palestinian civilian population in Gaza. This is necessary for ending impunity, redressing the searing sense of injustice among the victims and allowing genuine healing to occur. That this is also essential for the long-term prospects for peace, reconciliation and coexistence is unquestionable.

"At the same time, the situation in the rest of the Occupied Palestinian Territory remains extremely precarious, owing primarily to Israel's aggressive pursuit of its illegal colonization campaign aimed at creating massive facts on the ground to alter the demographic composition, status and character of the Territory, especially in and around Occupied East Jerusalem, and thus facilitate the occupying Power's acquisition of more territory by force and prejudge the outcome of final status negotiations in its favour.

"We reiterate that Israel's colonization of the Occupied Palestinian Territory, including East Jerusalem, constitutes a grave breach of international humanitarian and criminal law, namely the Fourth Geneva Convention and Additional Protocol I, which prohibit the transfer by the occupying Power of its civilian population into the territory it occupies (articles 49 (6) and 85 (4) (a), respectively), and the Rome Statute of the International Criminal Court, under which the transfer, directly or indirectly, by the occupying Power of its own civilian population into the territory it occupies constitutes a war crime (article 8, para. 2 (b) (viii)). In addition, such illegal measures represent egregious violations of General Assembly and Security Council resolutions calling for the cessation and dismantlement of the settlements, blatant disrespect for the International Court of Justice advisory opinion of 9 July 2004 and violations of Israel's Road Map obligation to freeze all settlement activities, including so-called natural growth, and dismantle settlement 'outposts'.

"Even during the peace process, Israel has never ceased its settlement campaign, which has multiplied 17-fold at least in the period since the Annapolis Conference and continues to this day. The occupying Power continues its confiscation of Palestinian land; construction and expansion of settlements, settlement outposts and settlement infrastructure, including bypass roads and military installations and zones; the transfer of thousands more Israeli settlers to the Occupied Territory; construction of the Wall in deviation from the 1967 Green Line to entrench the settlements and advance their de facto annexation; imposition of a racist permit regime, residency restrictions and hundreds of checkpoints; demolition of Palestinian homes; and excavations, all of which are particularly intense in and around Occupied East Jerusalem. Simultaneously, armed and extremist Israeli settlers, with the protection of the occupying forces, continue to perpetrate acts of terror, harassment and intimidation against Palestinian civilians and to wantonly destroy Palestinian properties and orchards.

"On the ground, these illegal settlement colonization measures have been hugely detrimental and have affected all aspects of Palestinian life. The separation, isolation and cantonization of Palestinian communities, including the total isolation of East Jerusalem, by the settlements, Wall and checkpoints — which can only be likened to a state of apartheid — have caused the displacement of thousands of Palestinian civilians and widespread economic and social ills. Moreover, the contiguity, integrity and unity of the Occupied Palestinian Territory have been severely undermined, seriously threatening the prospects for physical realization of the two-State solution.

"As such, in terms of the peace process, the impact of Israel's colonization has also been hugely detrimental, constituting the main obstruction to a peaceful settlement. These provocative, illegal Israeli actions have undermined the drive for peace, poisoned the atmosphere between the two sides and tainted the process as a whole. In this regard, it is imperative to note that the issue of settlements is not only a final status issue in the peace process but is also intricately related to and at the crux of nearly all other final status issues, including Jerusalem, borders, water and security.

"In reality, Israel's colonization is totally contradictory to the objective of the peace process — achievement of the two-State solution of an independent State of Palestine living side by side with Israel in peace and security and on the basis of the 1967 borders — and to the principle of land for peace sustaining that process. We thus reaffirm that continuing negotiations under such conditions would be futile and unacceptable, and there is an international consensus that such a process will never achieve its goals. The Palestinian leadership has always negotiated in good faith but it cannot continue to engage blindly in this process while Israel continues to destroy the contiguity, viability and prospects for the future independent State of Palestine.

"The international community must act swiftly in response to the international consensus that exists with regard to the two-State solution to the Israeli-Palestinian conflict, including that embodied in resolution 63/29, in order to salvage the two-State solution and the prospects for peace and stability in our region. Continued declarations or mild appeals to Israel will no longer suffice and further appeasement will only deepen this problem. Israel, the occupying Power, must be compelled to cease immediately all settlement and related colonization activities in the Occupied Palestinian Territory, including East Jerusalem, and abide by its obligations under international law in this regard, as well as under the Road Map. Confronted with continued defiance, the international community, including the Security Council and Quartet, must take real action, including practical and concrete measures, to bring to an end Israel's belligerent, unlawful practices.

"The provisions of resolution 63/29 thus remain valid, as do those of the other United Nations resolutions relevant to the question of Palestine, and the legal and political principles therein constitute the foundations of the peace process and the keys to resolving this prolonged conflict. Creating the appropriate environment for the advancement of negotiations and overcoming the obstacles that have repeatedly impeded progress towards a peaceful settlement require adherence to and full respect for these parameters and principles and fulfilment of the obligations and commitments they entail.

"The support of the international community in this endeavour remains critical and Palestine remains encouraged by the overwhelming support in this regard, as reflected, inter alia, by the vote on resolution 63/29. The General Assembly must continue striving to promote a peaceful settlement of the question of Palestine in all its aspects. Our conviction remains firm that concerted and coordinated action by the international community can and will tangibly contribute to bringing an end to the 1967 Israeli occupation and enabling the Palestinian people to exercise their inalienable rights in their independent State of Palestine, with East Jerusalem as its capital, fundamental to a just, lasting and comprehensive settlement of the Israeli-Palestinian conflict and the Arab-Israeli conflict as a whole.

"In conclusion, we reaffirm the Palestinian leadership's commitment to a peace process based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative and the Road Map. We thus renew the call upon the international community to seize the slim prospects for peace that remain and not allow them to vanish as a

result of illegal, unilateral and destructive Israeli actions. Moreover, we reaffirm the enduring resilience of the Palestinian people, in spite of the formidable challenges, to ultimately realize their inalienable rights, including their rights to self-determination and to return, and to fulfil their legitimate national aspirations to live in peace, freedom and prosperity in their homeland and in harmony with their neighbours."

II. Observations

5. During the reporting period, diplomatic developments and events on the ground underscored the importance of a peaceful settlement of the question of Palestine. The past year witnessed the discontinuation of Israeli-Palestinian negotiations undertaken within the framework of the Annapolis process, a destructive conflict in Gaza and southern Israel, a deepening internal divide despite efforts towards Palestinian unity and the formation of a new Israeli Government following Knesset elections. In recent months, there have been renewed efforts by the international community to achieve the vision of two states living side by side in peace and security.

6. On 4 November 2008, Israel conducted a military incursion into Gaza for the purpose of destroying a tunnel allegedly used for abducting Israeli soldiers. After several months of relative calm, between 4 and 30 November, 138 rockets and 153 mortars were subsequently fired by Palestinian militants into Israel. I strongly condemned these rocket attacks by Palestinian militants as totally unacceptable and called upon all parties to fully respect the *tahdiya*, or calm, which had been brokered by Egypt between Israel and Hamas in June 2008.

7. Rocket fire from Gaza into southern Israel and Israeli air strikes accelerated throughout December. On 27 December 2008, the violence sharply escalated with the commencement of Israeli military operation Cast Lead, which included the launch of massive, coordinated strikes by the Israeli air force in Gaza. Notwithstanding the Security Council's press statement on 28 December calling for both sides to halt all acts of violence, in the following days Israel heavily bombed a large number of Gaza's military and civilian installations, while Hamas launched rockets into southern Israel almost continuously. Throughout this period, I engaged in bilateral contacts with leaders from the region to urge a return to the calm and to avoid further escalation and bloodshed.

8. On 31 December, I briefed the Security Council, deploring the fact that the civilian population of Gaza was trapped between the irresponsibility displayed in the indiscriminate rocket attacks by Hamas militants and the disproportionality of the continuing Israeli military operation. I also emphasized that life in southern Israel had become extremely difficult, with Israelis living in constant fear of rocket strikes. I called on all parties to fully respect international humanitarian and human rights law.

9. The conflict further escalated on 3 January 2009, when the Israel Defense Forces launched a major ground offensive into Gaza. The following weeks were marked by intense fighting, high numbers of civilian casualties and extensive damage to the civilian infrastructure in Gaza.

10. On 8 January 2009, the Security Council adopted resolution 1860 (2009), in which it called for a complete halt to the violence, an immediate and durable ceasefire, the unimpeded provision of humanitarian assistance, the sustained reopening of the crossing points and efforts to curb the illicit trafficking of weapons into Gaza.

11. Following the adoption of resolution 1860 (2009), I undertook an extended eight-country mission to the region to deliver the message that the fighting must stop and the resolution must be fully respected and implemented. I met with the leaders of Egypt, Jordan, Israel, the Palestinian Authority, Turkey, Lebanon, and the Syrian Arab Republic and, in the immediate aftermath of the end of major hostilities, I visited Gaza City and southern Israel. Throughout this mission, I sought to maximize coordination of the diplomatic efforts to end the crisis and to make clear the expectations of the United Nations as embodied in resolution 1860 (2009).

12. Major military operations ended on 18 January with the declaration of unilateral ceasefires by the Israeli cabinet and Hamas. Since January 2009, violence in Gaza has decreased significantly; however, sporadic firing from both sides has continued, underscoring the overall fragility of the situation. I believe it to be of the utmost importance that these unilateral ceasefires are translated into lasting arrangements based on the framework of resolution 1860 (2009).

13. The three-week conflict in Gaza resulted in extensive suffering and hardship. While figures from different sources vary, an estimated 1,300 Palestinians lost their lives and 5,300 were injured in the conflict, and on the Israeli side, 14 Israelis were killed and more than 530 were injured. A large proportion of the casualties, particularly on the Palestinian side, were civilians. I deeply regret the loss of civilian life during the conflict.

14. The intensity and destruction of the conflict substantially exacerbated the existent humanitarian crisis in Gaza, with deterioration in food security, physical and mental health, and access to basic services and economic livelihoods all being observed. During the conflict, practical arrangements were put in place between United Nations humanitarian agencies and Israel for the delivery of some relief supplies to the beleaguered civilian population. Following the end of the hostilities, United Nations agencies estimated that 3,700 houses and two health-care centres had been destroyed, and that 48,700 homes, 15 hospitals, 41 health-care centres and 273 schools had sustained varying degrees of damage.

15. On 2 March 2009, I attended the conference for the reconstruction of Gaza in Sharm el Sheikh, where the Palestinian Authority presented the Palestinian Early Recovery and Reconstruction Plan. The conference yielded pledges worth $4.5 billion. At the time of writing, only a small percentage of these funds have materialized, at least in part due to donor concerns about the ability to get the necessary reconstruction materials into Gaza.

16. The numbers of truckloads of goods entering Gaza have increased since the period immediately preceding and during Operation Cast Lead. However, the import of goods still remains less than one fifth of that which occurred as part of normal commerce and trade prior to the imposition of the comprehensive closure regime in May 2007. Today, the overwhelming majority of imports into Gaza are limited to food and sanitation items, with still little or no entry for all other goods, including items for early recovery and reconstruction.

17. Some seven months after the conflict, this situation is unacceptable. Consistent with resolution 1860 (2009), the November 2005 Agreement on Movement and Access, and public statements made by the Quartet, I have repeatedly called for a sustained reopening of all crossing points in Gaza and for mechanisms to be put in place to prevent the illicit trafficking of arms into Gaza.

18. In addition, the United Nations has presented the Government of Israel with a proposal to begin a $77 million first instalment of early recovery and reconstruction by working to complete previously suspended United Nations projects to build housing, schools and clinics across Gaza. In implementing these projects, United Nations agencies will utilize their own monitoring, verification and quality assurance processes in order to ensure integrity of programming. I hope to receive a positive response to this reasonable proposal.

19. From the outset of the conflict in Gaza, I called on all combatants to respect the sanctity of United Nations premises. However, during the course of the conflict a number of incidents occurred in which United Nations personnel, premises or operations were affected. In response, I established an internal Board of Inquiry to review and investigate nine of these incidents.

20. On 4 May 2009 I released a summary of the Board's report. The Board found that in seven incidents, the death, injuries and damages were caused by military actions of the Israel Defense Forces, using munitions launched from the air or fired from the ground. In one incident, the report concluded that damage to a World Food Programme facility was caused by a Palestinian faction, most likely Hamas, and in another incident, the Board was unable to reach any conclusions. The Board also made a number of recommendations, including with respect to pursuing claims for damages incurred by the United Nations and further improving coordination mechanisms between the United Nations and the Government of Israel in order to help ensure the safety and security of United Nations personnel and premises. I am actively pursuing these recommendations.

21. I have fully supported the United Nations fact-finding mission on the Gaza conflict led by Justice Richard Goldstone, pursuant to Human Rights Council resolution S-9/1 (2009), and its broad investigation into all alleged human rights and international humanitarian law violations that took place before, during and after the military operations in Gaza between 27 December 2008 and 18 January 2009. I look forward to the report of the fact-finding mission.

22. I also support continuing mediation efforts to secure the release of Israeli Corporal Gilad Shalit in exchange for some of the 11,000 Palestinian prisoners held in Israeli jails. I regret that three years after his capture, neither the International Committee of the Red Cross nor any other international body has been granted access to Corporal Shalit.

23. During the reporting period, Egypt convened six rounds of reconciliation talks between Fatah, Hamas and other Palestinian groups. Regrettably the talks have only yielded limited progress. I continue to fully support the efforts of Egypt on this vital issue and to urge the factions to quickly conclude an agreement to reunite within the framework of the legitimate Palestinian Authority, as called for in resolution 1860 (2009) and by the Quartet and League of Arab States. The United Nations is ready to engage a government under the authority of President Abbas that unites Gaza and the West Bank within such a framework.

24. A key achievement during the reporting period has been the beginning of Palestinian self-empowerment, which has taken place in the West Bank under the leadership of President Abbas and Prime Minister Fayyad and has included important reforms in fiscal management, development planning and the security sector. This positive momentum must not be imperilled by the financial crisis facing the Palestinian Authority. When the Ad Hoc Liaison Committee met in Oslo on 8 June 2009, Prime Minister Fayyad reported that the Palestinian Authority faces a critical budget crisis and still has great difficulty paying monthly salaries, which has a severe impact on its planning processes and undermines its reform agenda.

25. In July 2009, the International Monetary Fund reported that in 2009 the recurrent budget deficit for the Authority was approximately $1.6 billion and that $900 million in external financing was required for the remainder of the year. I very much welcome the recent transfers of funds by major donors to support the Palestinian Authority and I appeal to other donors to urgently fulfil pledges of budget support.

26. The Israeli system of creating physical obstacles to movement in the West Bank and imposing elaborate permit requirements on Palestinians has continued to be entrenched during the reporting period, including for movement in and around East Jerusalem. However, I welcome recent measures by the Israeli Government to ease movement restrictions around Nablus, Jericho, Qalqiliya and Ramallah. The positive steps taken by Israel, if sustained and expanded, would have a significant impact on Palestinian freedom of movement and economic development. As at August 2009, 613 obstacles to movement remained in the West Bank, 68 of which were permanently staffed checkpoints. According to the International Monetary Fund, if Israel continues easing restrictions, real growth in the gross domestic product in the West Bank could stand at 7 per cent in 2009. This would represent the first significant improvement in living standards in the West Bank since 2006.

27. I appreciate the work of Quartet Representative Tony Blair in his efforts to support continued economic development in the Occupied Palestinian Territory and encourage the parties to work with him to bring about transformative change on the ground.

28. During the reporting period, the Palestinian Authority continued to make real strides in the implementation of its security plan with considerable international assistance, in particular from the United States of America. I urge the Palestinian Authority to continue to make every effort to improve law and order and to fight violent extremism in accordance with its Road Map obligations. In line with the increasing capabilities of the Palestinian security forces, I also encourage Israel to further ease movement restrictions, as well as to reduce search and arrest operations in the West Bank.

29. In Gaza, Hamas has extended its de facto control over institutions and society. Actions taken to impose internal order, including the violent confrontation with the radical group Jund Ansar Allah on 14 August 2009, have taken place outside a legitimate legal framework. There is little accountability of the de facto authority towards the population regarding such actions. In recent months, despite sporadic incidents, Hamas has largely enforced a state of calm vis-à-vis Israel and it is vital that this is built upon. The only sustainable future for Gaza is for the Strip to be reunited with the West Bank within the framework of Palestinian, regional and international legitimacy. Hamas has key responsibilities in this regard which have

not yet been met and I continue to call on the Hamas leadership to respond positively to the urgings of the international community.

30. The reporting period has also been one of political transition in Israel. A Likud-led coalition Government headed by Prime Minister Netanyahu was sworn into office on 31 March 2009 following Israeli elections held on 11 February. I welcomed the formation of the new Israeli Government and stated my expectation that it would adhere to Israel's previous commitments regarding the peace process.

31. On 14 June 2009, Prime Minister Netanyahu delivered a speech in which he stated that the Israeli Government would accept a Palestinian state, but under several significant conditions related to final status issues. It is, however, actions on the ground, together with a genuine readiness to negotiate on all core issues based on existing commitments, that will be the true test of Israel's commitment to the two-State solution.

32. In this respect, I am concerned by the failure of the new Israeli Government to commit to its obligation under the Road Map to freeze all settlement construction, including natural growth, as well as to dismantle outposts erected since March 2001. I note that the Israeli organization Peace Now reported that in the first half of 2009, the building of 596 new structures had begun in West Bank settlements, outposts and industrial areas and that there had not been any evacuations of "real" outposts.

33. Israeli actions in support of settlers in the heart of East Jerusalem are a matter of particular concern. Most recently, on 2 August 2009, Israeli security forces forcibly evicted nine Palestinian families, amounting to 53 people, from their homes in the Sheikh Jarrah neighbourhood of East Jerusalem. Under the protection of Israeli security forces, the property was handed over to a settlement organization. I repeat here the Quartet's position that such unilateral actions cannot prejudge the outcome of negotiations and will not be recognized by the international community.

34. On 29 October 2008, following a five-month suspension of demolitions obtained by Quartet Representative Tony Blair, the Israeli authorities resumed the demolition of houses lacking building permits in East Jerusalem and Area C of the West Bank. I reiterate my call on Israel to adhere to international law and its Road Map obligations, and to cease and reverse provocative actions such as demolitions and evictions.

35. Contrary to the 9 July 2004 advisory opinion of the International Court of Justice, the Barrier deviates significantly from the 1967 Green Line into Occupied Palestinian Territory in the West Bank. It continues to restrict Palestinian access to East Jerusalem, key social services and agricultural land. In accordance with the provisions of General Assembly resolution ES-10/17 of 15 December 2006, on 9 April 2009 I provided a progress report on the work of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory. At the time of writing, the Register of Damage had collected over 1,100 claim forms in the West Bank and had approved 268 claims for inclusion in the Register.

36. Violence between Israelis and Palestinians, as well as among Palestinians, continued. Excluding casualties during Operation Cast Lead, between 1 September 2007 and 17 August 2009, 5 Israelis were killed and 125 injured, while 89 Palestinians were killed and 1,212 injured in conflict-related incidents. A total of 80 Palestinians were killed and 200 wounded in internal violence. I once again

unequivocally condemn all acts of violence and hostilities directed against civilians and remind all parties of their obligations under international law.

37. Moving now to international diplomatic activity in support of the peace process, the latter half of 2008 witnessed regular bilateral negotiations between Israeli and Palestinian negotiating teams within the framework of the Annapolis process. On 9 November 2008, President Abbas and the then Minister for Foreign Affairs Livni briefed the Quartet on their progress, which they described as substantial and promising. While noting that a comprehensive agreement would not be reached by the Annapolis target of the end of 2008, the parties committed themselves to continuous, uninterrupted negotiations on all core issues. On 16 December 2008, the Security Council passed resolution 1850 (2008) reaffirming the basic principles upon which Israeli-Palestinian peace must rest as well as the irreversibility of bilateral negotiations undertaken through the Annapolis process.

38. Talks were initially suspended during the Israeli electoral period and were then discontinued owing to Operation Cast Lead, and no negotiations on core issues have taken place in 2009. However, an important new impetus to peace efforts was given by the early and welcome initiative of United States President Obama to vigorously pursue the creation of a Palestinian State as part of a comprehensive regional peace strategy. I also welcomed President Obama's appointment of Senator George Mitchell as United States Special Envoy for the Middle East. President Obama's speech in Cairo on 4 June 2009 challenged Israelis and Palestinians alike and demonstrated the importance which the United States Administration places on a peaceful settlement to the Israeli-Palestinian conflict.

39. On 26 June 2009, the Quartet met in Trieste and affirmed its determination to work with the parties to create the conditions necessary for the prompt resumption and early conclusion of negotiations on the end goal of a two-State solution. There was strong agreement among Quartet members that both Israelis and Palestinians should implement their obligations under the Road Map, and they urged the Government of Israel to freeze all settlement activity, including natural growth, and called upon the Palestinian Authority to continue to improve law and order and to fight violent extremism.

40. During the reporting period, the Quartet also continued its valuable practice of consulting with the League of Arab States. I welcome the renewed commitment of the Arab League to pursue a just and comprehensive regional peace in accordance with the Arab Peace Initiative, as expressed most recently in its ministerial communiqué of 24 June 2009. I continue to believe strongly in the potential for activating the regional tracks of the peace process, alongside a rejuvenated Palestinian track, on the basis of land for peace. I also support the convening of an international conference in Moscow to support this effort.

41. I want to record my deep appreciation to Robert H. Serry, the United Nations Special Coordinator for the Middle East Peace Process as well as to the Commissioner-General of UNRWA, Karen Koning AbuZayd, and all United Nations staff who continue to provide indispensable service in the Occupied Palestinian Territory under difficult and sometimes dangerous circumstances. Palestinian and international United Nations staff members have faced growing restrictions as concerns their free movement and access in the service of the United Nations. I have repeatedly protested these restrictions to the Government of Israel and look forward to improvements in this regard.

42. I am particularly indebted to the Director of UNRWA Operations in Gaza and his staff for bravely continuing their work throughout Operation Cast Lead. I want to pay special tribute to the UNRWA staff member killed and the 11 others injured while serving the Palestinian people during the Gaza conflict.

43. I call on the parties to honour all existing agreements and previous commitments and pursue an irreversible effort towards the two-State solution, including by fully implementing their obligations on the ground and by resuming, vigorously pursuing, and concluding negotiations to resolve all core issues of the Israeli-Palestinian conflict, including Jerusalem, borders and refugees. A true end to violence and lasting security for both Palestinians and Israelis will only come through a just, comprehensive and peaceful settlement to the Arab-Israeli conflict. After the failure of efforts in 2008 to secure an agreement and the difficulties encountered in 2009 in securing a resumption of negotiations, it is vital that meaningful progress is now made towards the goal of a negotiated agreement, that the parties live up to their responsibilities in this regard, and that there is coordinated and effective international engagement in support of these efforts.

44. The United Nations will continue to work towards the peaceful settlement of the question of Palestine. The framework for peace remains unchanged: the establishment of two States, an independent and viable Palestine living side by side in peace and security with Israel, on the basis of the principle of land for peace and a just and comprehensive regional peace consistent with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008), the Road Map and the Arab Peace Initiative.

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Women and peace and security

Report of the Secretary-General

I. Introduction

1. The present report is submitted in accordance with the statement by the President of the Security Council of 29 October 2008 (S/PRST/2008/39), in which the Secretary-General was requested to provide a report on the implementation of resolution 1325 (2000) over the coming year, including information on the impact of armed conflict on women and girls in situations of which the Security Council is seized; on the obstacles and challenges to strengthening women's participation in conflict prevention, conflict resolution and peacebuilding, and recommendations to address those issues.

2. In accordance with that request, the report focuses on actions to implement resolution 1325 (2000) since October 2008. Discussions of the impact of armed conflict on women and girls in the situations of which the Security Council has been seized cover both impacts originating in the past year and those that persist from previous conflict situations.

3. The report draws on information provided by entities of the United Nations system,[1] and reports of the Secretary-General to the Security Council on progress in situations of which the Security Council has been seized. The latter have been used extensively as they provide the most reliable and up-to-date information.

4. The introduction is contained in section I; section II summarizes the impact of armed conflict on women and girls in situations of which the Security Council was seized in the past year. Section III reviews implementation by the key actors identified in resolution 1325 (2000). Section IV discusses obstacles and challenges

[1] Department of Economic and Social Affairs, Department of Field Support, Department of Peacekeeping Operations, Department of Public Information, Economic and Social Commission for Asia and the Pacific, Economic and Social Commission for Western Asia, International Labour Organization, International Organization for Migration, Office for the Coordination of Humanitarian Affairs, OHCHR, OSAGI, Office of the Special Representative of the Secretary-General on Children and Armed Conflict, UNICEF, United Nations Democracy Fund, UNIFEM, UNDP, United Nations Forum on Forests, United Nations Fund for International Partnerships, UNHCR, UNIDO, UN-INSTRAW, United Nations Interregional Crime and Justice Research Institute, United Nations Mine Action Service, United Nations Office for Project Services, UNFPA, UNRWA, United Nations System Staff College, World Bank, WFP.

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to strengthening women's participation in conflict prevention, conflict resolution and peacebuilding; and section V presents conclusions and recommendations.

II. The impact of armed conflict on women and girls in situations of which the Security Council is seized

5. In adopting 1325 (2000), the Security Council called upon Member States, the United Nations system, parties to conflict and all other relevant actors to adopt a gender perspective that would take into account the special needs of women during conflict prevention, conflict resolution and peacebuilding. While much has been done in response to resolution 1325 (2000) in the nine years since its adoption, progress in implementation is limited, and armed conflict continues to have a devastating impact on women and girls in the areas covered by the present report.

6. The lawlessness endemic to conflict and post-conflict situations presents serious challenges to entire communities. For women and girls, these situations are particularly grave, frequently involving sexual and physical harm as well as social, economic and political disempowerment.

7. Although the evidence remains scattered and incomplete, in many of the situations of which the Security Council has been seized over the past year,[2] women have experienced a number of negative consequences, including physical and sexual violence. Women's access to basic social and humanitarian services such as education, especially for girls, has been drastically limited by armed conflict. Women continue to have limited opportunities to participate in peace processes.

8. An important impact of armed conflict on women and girls is the threat they face in their daily lives on account of landmines and explosive remnants of war.

A. Sexual violence

9. During the reporting period, sexual and gender-based violence remained one of the most pernicious consequences of armed conflict. It continued to be used as a weapon of war.

10. The level and magnitude of the brutality of sexual violence perpetrated in the Democratic Republic of the Congo remained of particular concern. There was a substantial increase in reported incidents in areas controlled by both the Forces démocratiques de libération du Rwanda (FDLR) and the Lord's Resistance Army (LRA), as well as in areas of deployment of the recently integrated Forces armées de la République démocratique du Congo (FARDC). Since the beginning of 2009, an alarming increase in sexual violence in North and South Kivu was noted. Nationwide, some 1,100 rapes were reported each month with an average of

[2] During the reporting period, the Security Council was seized of the following situations: the Middle East, including the Palestinian question, Cyprus, Western Sahara, Timor-Leste, Liberia, Somalia, Bosnia and Herzegovina, Georgia, Burundi, Afghanistan, Sierra Leone, the Great Lakes region, the Democratic Republic of the Congo, the Central African Republic, Eritrea and Ethiopia, Guinea-Bissau, Côte d'Ivoire, Iraq, Chad, the Sudan, the Central African Republic and Myanmar (S/2009/10).

36 daily. Victims were often young — between 10 and 17 years — and more than 10 per cent were children 10 years or younger (see S/2009/160).

11. The 2009 annual report of the Secretary-General on children and armed conflict (A/63/785-S/2009/158 and Corr.1), reported the persistence of rape and other forms of sexual violence against girls in many situations of which the Council has been seized. In Somalia, for example, the report noted that rape and other sexual violence were committed by both members of armed forces and groups, as well as civilians. Children and women living in internally displaced persons settlements in Bossaso, Galkayo, Hargeisa and along the Afgoye corridor reported a large number of rapes.

12. In Burundi in 2008, 476 cases of rape against children were registered; 449 were girls and 27 were boys between the ages of 1 and 17 years. In Myanmar, Timor-Leste, Côte d' Ivoire and Chad, a high prevalence of rape and other forms of grave sexual violence were reported (see S/2009/18).

13. Cessation of hostilities does not guarantee an end to the perpetration of sexual violence. On the contrary, evidence shows that even after conflict has ended, high levels of sexual and gender-based violence tend to persist, creating long-term threats to security and to women's health, livelihoods, and their ability to participate in reconstruction and peacebuilding efforts.

14. The individual and societal cost of sexual and gender-based violence can be high and include unplanned pregnancies, infertility, infection with HIV/AIDS, stigmatization, ostracism and divisions within families and communities.

B. Security and access to social services for women and girls

15. Armed conflict often threatens the welfare and stability of women and their families and has had a severe impact on the provision of humanitarian aid. The African Union Mission in Somalia (AMISOM) reported that in May 2009, Al-Shabaab forces took control of Jowhar town and looted the United Nations Children's Fund (UNICEF) compound, deliberately destroying humanitarian supplies, assets and equipment. The destruction of the vaccine storage equipment, including thousands of doses of measles, polio and other vaccines intended for Somali children and women, left many without access to needed health interventions. In Chad and Georgia, a number of attacks targeted humanitarian personnel and assets. Those attacks damaged infrastructure and displaced health-care workers, having serious consequences for the provision of health services.

16. In Afghanistan, fear and insecurity have hampered efforts to increase the number of women health professionals staffing health facilities, thereby negatively affecting the delivery of child and maternal health services, as women are often reluctant to seek care from male health professionals. It is reported that fewer than 30 per cent of health facilities have a female health worker.

17. The destruction of hospitals, health-care facilities and the inability to access facilities that are still in place after armed conflict ends infringes on the health of all, with particularly negative consequences for women and children. Women's needs for reproductive health services in the context of armed conflict are particularly critical because of high levels of sexual and related violence and abuse.

18. In some situations before the Security Council, such as Afghanistan and Somalia, armed conflict has fuelled the emergence of extremist and fanatical groups that seek a restriction of women's freedoms. AMISOM reported that insurgent groups had forced girls into marriage, and in parts of south-central Somalia, extreme interpretations of sharia law by insurgent groups have led to allegations of grave violations of the right to life and physical integrity (see S/2009/373, para. 4). Summary executions, including beheadings, floggings, amputations, arbitrary arrests, restrictions on freedom of movement and violations of women's rights have been reported. In Afghanistan, the Shi'a Personal Status Law, signed by the President in July 2009, contains provisions legitimizing discriminatory practices against women.

19. Unfortunately, in these and other situations, there is limited access to justice, particularly for women. The capacity of the judiciary is often weak and traditional conflict resolution mechanisms are often applied in a discriminatory manner, leaving women with limited access to justice to prosecute wartime abuses or pursue peacetime justice. The consequent de facto impunity is profoundly damaging to efforts to restore the rule of law and build confidence in post-conflict governance institutions.

C. Political participation

20. The adoption of a gender perspective in addressing armed conflict, including measures to ensure the protection of and respect for human rights of women and girls, particularly as they relate to the Constitution, the electoral system, the police and the judiciary, has not been widely realized. This is the case even where open hostilities have subsided and opportunities for political activity and elections have emerged. In Afghanistan, for example, of the 4.5 million voters registered for the 2009 elections, only 38 per cent were women.

21. A persistent cause of concern is that women continue to be virtually absent from the peace table and to be severely underrepresented as third-party mediators or even as representatives of the United Nations in most conflict-affected countries. Women's activism at the grass roots rarely translates into official recognition during peace processes, where they are seldom included in formal negotiations. Women's Initiatives for Gender Justice, a non-governmental organization which works with women affected by armed conflict, reports that a small group of women's rights activists from the Democratic Republic of the Congo, seeking to participate in peace talks, were excluded from the process. The United Nations Development Fund for Women (UNIFEM) has found that, since 1992, only 2.4 per cent of signatories to peace agreements were women and that no woman has ever been appointed as "chief mediator".[3]

[3] A UNIFEM review of a sample of 21 major peace processes since 1992 shows that only 2.4 per cent of signatories to this sample of peace agreements were women; that women's participation in negotiating delegations averaged 7.6 per cent of the 11 cases for which such information was available; and that no women have been appointed in chief or lead peace mediators in United Nations-sponsored peace talks. A positive recent exception is that of Graca Machel, who was one of the three mediators appointed by the African Union for the Kenya crisis in 2008 (UNIFEM, unpublished research, 2009).

22. The absence or curtailment of economic opportunities for women during armed conflict can further reduce their chances of political participation as they search for alternative sources of income. In particular, women trying to maintain or restart their livelihoods after armed conflict are often confronted with multiple challenges. A survey carried out by UNIFEM in Gaza following the war in 2009 found that 40 per cent of respondents could no longer reach their place of employment; 40 per cent had suffered damage and loss of assets; and more than 80 per cent did not have the funds to restart a business.

D. Education

23. The targeting of schools is often a deliberate tactic of war. In the Democratic Republic of the Congo, there was an increase in reports of attacks on schools and health facilities by militant forces. While the destruction of schools during armed conflict affects both boys and girls, girls are often particular targets. In Afghanistan, for example, Taliban militants attacked a group of girls en route to school by throwing acid on their faces. The militants were reportedly paid 100,000 Pakistani rupees for each girl they were able to burn (see A/63/785-S/2009/158 and Corr.1, para. 14).

24. Attacks on schools, violence against teachers and students, and the absence of school supplies and equipment have served to reduce substantially, if not eliminate altogether in some contexts, the opportunities for girls and women to access education. Limited access to education has an impact on women's empowerment and gender equality in the long term, even after armed conflict ends. This is of particular concern, as education remains one of the most effective strategies in empowering girls and women and transforming the discriminatory attitudes that increase the vulnerability and marginalization of women. Educated women are more likely to strengthen their position in the community and gain a more influential voice at the peace table.

III. Implementation of Security Council resolution 1325 (2000)

25. There has been an increasing trend towards partnership in implementing resolution 1325 (2000). As in previous years, actions to implement the resolution can be grouped under a few distinct categories. These are discussed below.

A. Training, capacity-development and awareness-raising

26. The United Nations system has paid particular attention to developing the capacity of Member States as well as its own to address the implementation of resolution 1325 (2000).

27. The World Food Programme (WFP) scaled up the integration of gender and protection into field operations and programming through training so that by the end of 2008, some 500 staff members and partners were trained in gender-related protection issues. The training also included prevention of, and response to, gender-based violence during food-distribution efforts. The Department of Peacekeeping Operations Integrated Training Service actively undertook activities to implement

its new training strategy, which included updating existing generic gender training modules to reflect guidance on the protection of women and girls from sexual violence, and updating the Senior Leadership Induction Programme. The United Nations System Staff College, through its Peace and Security Programme, further enhanced its Conflict Prevention training package which can be customized to the needs of different United Nations country teams. The training package now encompasses an extensive module on "Gender analysis and conflict prevention". In support of the Government's efforts to empower Iraqi women at home and in the workplace, the United Nations Development Programme (UNDP) hosted a workshop with the Government of Iraq on strategies to counter community-based violence against women.

28. In 2009, the Department of Peacekeeping Operations undertook monitoring visits to Timor-Leste, Darfur (the Sudan), Chad, and the Democratic Republic of the Congo to assess the implementation of its Policy Directive on Gender Equality in United Nations Peacekeeping Operations and to support development of mission-wide action plans for implementation of resolution 1325 (2000).

29. In Burundi, where sexual violence has been an issue of serious concern, the United Nations Integrated Office in Burundi (BINUB) partnered with UNIFEM and other stakeholders to provide training to elected female representatives at the communal, provincial and national levels.

30. The United Nations Operation in Côte d'Ivoire (UNOCI) focused on sensitizing national and international partners to the Secretary-General's campaign to end violence against women, especially in the context of an upsurge in sexual violence in the country. UNOCI also continued to strengthen the capacity of local women's groups to encourage their participation in the electoral process and provided technical and financial support in that regard. It also continued to raise awareness among its personnel and promoted gender-mainstreaming by, inter alia, appointing a women's focal point, in line with Security Council resolutions 1325 (2000) and 1820 (2008).

31. With the aim of collecting good practices and lessons learned in implementing Security Council resolution 1325 (2000) globally, the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW), International Alert and the Office of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women (OSAGI) collaborated to prepare a publication on the implementation of resolution 1325 (2000) at the national level. Information was collected through interviews with implementing government institutions. A global virtual discussion was held in December 2008 and a comprehensive desk and literature review was undertaken.

32. INSTRAW held two virtual dialogues on women and peace and security. The first, entitled "Filling the gaps: a virtual discussion on gender, peace and security research", was held in October 2008. The discussion brought together academics and practitioners from different world regions to assess current debates in gender, peace and security research, exchange information, identify research gaps and build a platform for further collaboration. The second virtual discussion, entitled "Planning for action: good practices on implementing resolution 1325 (2000) at the national level", was held in November 2008. The dialogue highlighted existing efforts to implement resolution 1325 (2000) and strengthened awareness about good practices in the preparation of national action plans.

33. The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) Gender Office provided training and technical support for members of the National Steering Committee for the implementation of resolution 1325 (2000). The United Nations Population Fund (UNFPA), UNIFEM and OSAGI also intensified collaborative efforts to build national capacities for the development of national, regional and global sets of indicators and data-gathering systems to monitor the implementation of the resolution. To enhance national capacities, UNDP supported Iraq, the Sudan and the occupied Palestinian territories with dedicated short-term gender expertise. Full-time senior gender advisers are being deployed to 10 countries — Burundi, Haiti, Iraq, Kosovo, Liberia, Nepal, Papua New Guinea, Sierra Leone, Southern Sudan and Timor-Leste. UNDP also partnered with other United Nations entities to support the development and implementation of national action plans.

34. UNFPA has trained and supported police units in the Democratic Republic of the Congo, Haiti and Somalia, with emphasis on sensitivity to the particular needs of women and children. UNFPA also engaged community groups to educate peers on the existence of these special police units.

B. Protection of women against the threat of mines

35. A number of activities have been undertaken to ensure the protection of women during armed conflict, especially in the context of post-war instability and the threat of mines. The United Nations Mine Action Service increased its efforts to ensure that mine action programmes have an equal impact on women, men, boys and girls and that women, men, boys and girls enjoy equal access to mine action as practitioners and beneficiaries. The reporting period saw a decrease of the number of casualties, in part owing to an increase in women's participation in mine-risk education activities. Data from Lebanon and the Sudan indicate that the number of casualties continues to decline.

36. Even more important is the transformation in women's views about their roles. A study entitled "Attitudes towards mine action: an Afghan woman's perspective" revealed that 64 per cent of women believe that they should participate, assist and contribute to mine action activities. The study indicated the importance of gender-sensitive research and the full inclusion of women in consultations to ensure a full understanding of mine action issues.

37. The United Nations Mine Action Team is supporting field-led initiatives on national training and building a pilot gender community of practice. A workshop on gender entitled "Perspectives from the Asia field programmes" was held in Geneva in March 2009, gathering mine action national directors and United Nations advisers from Afghanistan, Cambodia, the Lao People's Democratic Republic, Nepal, Sri Lanka and Thailand and knowledge-management and gender specialists. Participants in the workshop expressed strong support for a holistic and coherent system-wide approach to mainstreaming gender in national mine action plans with the view to improving the effective delivery of gender-sensitive programmes on the ground.

C. Operational support and service delivery

38. Whereas much has been achieved in the area of training and capacity development, progress in terms of direct support to programmes and services has been limited.

39. In response to the increase in gender-based violence in Nepal, two joint programmes involving UNICEF, UNIFEM and UNFPA were started during the reporting period. The first addresses gender-based violence at the district level by providing new services for women, men and children in four districts using a $1.3 million grant provided by the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women. The second programme, in which the World Health Organization (WHO) is also involved, delivers essential reproductive health care, education and psychosocial counselling to women and girls affected by conflict. This is funded by a $1.1 million grant from the United Nations Trust Fund for Human Security.

40. The Office of the United Nations High Commissioner for Refugees (UNHCR) addressed protection and support to women and girls by ensuring the provision of sanitary materials to women and girls of reproductive age receiving humanitarian assistance from the organization. In 2008, 35 operations reported the distribution of sanitary materials at a cost of about $1.5 million. The Maka Pads project in Uganda, which was developed to produce sanitary materials using natural and local material, not only meets at least half of the needs of sanitary materials of refugee women in Uganda, but also provides employment for refugee women. UNHCR is committed to replicating such livelihood projects in other locations.

41. UNICEF supports gender-based violence programming efforts in approximately 15 countries affected by conflict or civil unrest or natural disaster. It has led or co-led gender-based violence assessments in emergency situations and also supported inter-agency work on the development of the Inter-Agency Standing Committee Standard Operating Procedures for gender-based violence programming in emergencies. In the first half of 2009, in eastern Democratic Republic of the Congo, UNICEF partners enabled 9,347 survivors of sexual violence to receive psychosocial support and 7,153 survivors to receive medical care.

D. Development of legislation and frameworks

42. Improving the legislative framework for the implementation of resolution 1325 (2000) is essential to its success. A number of activities by UNDP and other partners have supported this area of implementation. Since 2008, UNDP has been implementing its Global Programme on Strengthening the Rule of Law in Conflict and Post-Conflict Situations 2008-2011, which targets 20 conflict and post-conflict countries with support in developing comprehensive and integrated rule of law programmes. A major component of these programmes is access to justice and security for women and girls, especially victims of sexual violence. To this end, UNDP has designed and supported multi-year rule of law programmes in Bosnia and Herzegovina, the Central African Republic, Chad, the Democratic Republic of the Congo, Guinea-Bissau, Iraq, Kosovo, Liberia, the Occupied Palestinian Territory, Sierra Leone, Somalia, Sri Lanka, the Sudan and Timor-Leste, which have a strong focus on security and access to justice for women and girls.

43. In the Democratic Republic of the Congo, a project has been developed focusing on North and South Kivu to ensure that women and girls who are survivors of sexual violence have access to justice and legal aid, while also empowering judiciary and security institutions to ascertain accountability, prevent sexual violence and combat impunity. In addition, a project initiation plan was launched which aims to enhance the programmatic approach of UNDP to strengthen women's security and access to justice by placing a senior gender adviser in the country office and by defining programmatic entry points to address gender-based violence. In the Sudan, the focus is on providing support to formal and informal justice systems, ensuring that survivors are supported in seeking legal redress through the legal aid centres and the legal aid network, and raising awareness among local communities and tribal leaders. Ongoing initiatives focus on taking simple but critical messages directly to the people.

44. BINUB supported the establishment of a women's parliamentary caucus. In October 2008, the caucus held its constituent assembly during which its members committed to playing a larger role in addressing peace consolidation. They drafted an action plan on legislative matters of interest to women in both houses of Parliament.

45. Together with UNICEF, BINUB supported the Government of Burundi in the elaboration of a draft law on violence against women. It also continues to participate in monitoring the implementation of the national strategy to combat sexual violence and abuse against women and children.

46. In response to Security Council resolution 1794 (2007), the United Nations Action against Sexual Violence in Conflict supported the elaboration of a comprehensive strategy on combating sexual violence in the Democratic Republic of the Congo, which was finalized and presented to the Government in April 2009. The Government endorsed the strategy and affirmed its full commitment to implementation. This provides a foundation for further work to address the serious challenge posed by sexual violence in the country.

47. Displaced women and girls often encounter obstacles in obtaining government-issued documentation in their own name. To provide protection to women and girls and reduce their exposure to sexual and gender-based violence, UNHCR individual refugee registration is under way. The system allows the consistent documentation of women, ensuring their individual registration.

E. Discussions within intergovernmental and treaty bodies

48. An important aspect of strengthening the United Nations system to fully implement Security Council resolution 1325 (2000) is ensuring that due attention is given to the resolution in discussions within relevant intergovernmental bodies. Progress has been made in incorporating the implementation of resolution 1325 (2000) in the work of intergovernmental and treaty bodies of the United Nations system. The Commission on the Status of Women consistently pays attention to women, peace and security issues. Evaluating progress in the implementation of the 2006 agreed conclusions on "Equal participation of women and men in decision-making processes at all levels" at its fifty-third session in March 2009, the Commission called for increased support for women's full and equal participation and representation at all decision-making levels and in all peace

processes, including post-conflict peacebuilding, reconstruction, rehabilitation and reconciliation. At its forty-third session, held in January 2009, the Committee on the Elimination of Discrimination against Women reiterated its call on States to take all necessary measures to ensure women's equal participation and full involvement in reconstruction and socio-economic development, in accordance with Security Council resolutions 1325 (2000) and 1820 (2008), and in conformity with the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action. The Committee also urged States parties to continue to ensure appropriate protection, support and equal access to justice for women victims of sexual violence during armed conflicts.

F. Development of national action plans

49. Much has been achieved in the development of national action plans. The development of these plans has involved cooperation and collaboration among various partners, including United Nations entities. The Gender Office in MONUC, in collaboration with UNDP, the Ministry of Gender, women's networks and other sections of MONUC, organized workshops and sponsored research to inform development of a national action plan on Security Council resolution 1325 (2000). UNFPA worked closely with Government counterparts in Afghanistan and Uganda to develop their plans. Chile passed its national action plan in August 2009. Nepal and Sierra Leone are developing their national action plans. During the reporting period, national action plans were developed by Uganda and Liberia, bringing the total number of countries with national action plans to 16 — Austria, Belgium, Chile, Côte d'Ivoire, Denmark, Finland, Iceland, Liberia, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Uganda and the United Kingdom of Great Britain and Northern Ireland.

50. The development of Liberia's national action plan is an example worthy of emulation. It brought Government, United Nations entities and civil society together in a multi-stakeholder approach. Beginning in August 2008, INSTRAW and the Office of the Gender Adviser of the United Nations Mission in Liberia, with the support of UNFPA and UNDP country offices, established an inter-agency team to support the Ministry of Gender and Development during preparation of the national action plan. A steering committee of representatives from different governmental institutions, United Nations entities and civil society organizations was established to guide the drafting of the plan, which was also negotiated on an ongoing basis with community chiefs and organizations outside Monrovia. INSTRAW supported this process through a women, peace and security assessment geared at capacity-development initiatives with Government and civil society stakeholders and awareness-raising activities, as well as the development of comprehensive monitoring and evaluation mechanisms to accompany the national action plan and its implementation.

G. Women's participation in decision-making and in peace processes

51. A number of initiatives were taken by United Nations entities to increase the participation of women in elections. For instance, the United Nations Office for Project Services Iraq Operations Centre implemented an electoral programme in partnership with the Independent High Electoral Commission. Emphasis was placed

on the importance of women participating in the electoral process in order to create a multiplier effect throughout different communities. Working through civil society organizations, awareness was raised at the grass-roots level by targeting voters directly. As a result of this initiative, more than a quarter million potential voters were reached, of which 41 per cent were women. In the Central African Republic, the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) provided assistance to the platform for women's political participation, named "G23", to help it to organize a general assembly for its official registration and the launching of its plan of action for 2009. In Guinea-Bissau, the Office of the United Nations High Commissioner for Human Rights (OHCHR) supported the Women's Political Platform to implement activities to foster women's participation freely and fairly in the elections.

52. Sometimes, enhancing electoral participation serves as a strategic opportunity to enhance women's participation in post-conflict nation-building and creates a gender-responsive reconstruction agenda at the local level. In Timor-Leste, the United Nations Democracy Fund, UNIFEM and Redefeto Timor-Leste used the village council elections held in the first quarter of 2009 to enhance the quantity and quality of women's representation through advocacy for gender responsive electoral law, capacity-building support to potential candidates and sensitization activities for voters, as well as promotion of a gender-responsive policy platform in campaigns. Following the elections, the project supported a gender responsive local development agenda by improving of knowledge and skills of elected women councillors.

53. In the Democratic Republic of the Congo, MONUC conducted research on the situation of women in the National Police Force. A compendium of the challenges confronting women in the police has been developed based on the research findings. The Gender Office is providing technical support to the development of training and refresher modules for the National Police Force, tailored to the resolution of challenges within the security sector reform framework. The MONUC Gender Office is also supporting the National Police Force at the national and provincial levels in integrating a gender-perspective in the draft law, which reorganizes the National Police Force and advocates for 30 per cent of places being reserved for women.

54. In Burundi, BINUB adopted a creative and inclusive approach to support the implementation of the Declaration of 4 December 2008 and the disarmament, demobilization and reintegration process. BINUB, having identified the specific needs of male and female ex-combatants, developed: inclusive eligibility criteria to provide male and female ex-combatants with equal opportunities to benefit from the disarmament, demobilization and reintegration programme; an alternative programme for the reintegration of 1,000 women associated with the Parti pour la libération du peuple hutu-Forces nationales de libération (PALIPEHUTU-FNL); and an alternative programme to support the women's wing of FNL as a political party.

55. The BINUB initiative sought to ensure that gaps in the peace agreement that resulted in women's exclusion from the rehabilitation process was successfully addressed. The BINUB initiative is a good practice example in the implementation of resolution 1325 (2000).

56. The Secretary-General has responded to the call in resolution 1325 (2000) to increase the number of women in senior positions within the United Nations,

especially in peacekeeping operations. As of July 2009, there are three women serving as Head of Mission (Nepal, Liberia and the Central African Republic) and six serving as Deputy to the Head of Mission (Burundi, Chad, the Democratic Republic of the Congo, Lebanon, Liberia and the Sudan). In the Department of Peacekeeping Operations missions alone, in July 2009, there were five women serving at the levels of Under-Secretary-General and Assistant Secretary-General and over 20 at the level of Directors at the D-2 and D-1 levels. The overall percentage of women performing key leadership functions in the field missions has increased from 13 per cent in July 2007 to 16 per cent in 2009. Efforts are ongoing to further energize and sustain this positive trend through well-assessed strategic and targeted partnerships and outreach initiatives.

H. Advocacy and overall monitoring of progress

57. In the absence of a clear monitoring mechanism for implementation of resolution 1325 (2000), the Security Council has continued to play a strong advocacy role. For example, following consideration of the report of the Secretary-General on enhancing mediation and support activities (S/2009/189), the Council noted with concern the very low numbers of women in formal roles in mediation processes and stressed the need to ensure that women are appropriately appointed at decision-making levels, as high-level mediators, in line with resolution 1325 (2000). It also reiterated its call to the Secretary-General and heads of regional and subregional organizations to take appropriate measures to that end (see S/PRST/2009/8). The Security Council has also stressed the importance of the implementation of resolution 1325 (2000) when considering several of the situations of which it is seized. In its resolution 1868 (2009) on Afghanistan, for example, the Council strongly condemned continuing forms of discrimination and violence against women and girls, in particular violence aimed at preventing girls from attending school and requested the Secretary-General to continue to include in his reports to the Council, relevant information of the process of integration of women into the country's political, economic and social life. In its resolution 1863 (2009) on Somalia, the Council reaffirmed resolution 1325 (2000) and stressed the responsibility of all parties and armed groups to take appropriate steps to protect the civilian population, consistent with international humanitarian, human rights and refugee law, in particular by avoiding indiscriminate or excessive use of force in populated areas.

58. Concerning Côte d'Ivoire, the Security Council noted the importance of women's equal participation and full involvement in all efforts to maintain and promote peace and security and to increase their role in decision-making with regard to conflict prevention and resolution. In its resolution 1867 (2009), the Council welcomed the cooperation of the United Nations Mission in Timor-Leste (UNMIT) with other United Nations partners to support the Government's efforts to develop a national gender equality policy and strategy.

59. In June 2009, an Arria formula briefing for Security Council members, representatives of the United Nations Secretariat and representatives from non-governmental organizations, was organized by the Permanent Mission of the United Kingdom to the United Nations. At the briefing, conclusions from an earlier high-level two-day United Nations Colloquium, highlighting the need for the Security Council's sustained engagement on the issue of sexual violence in United

Nations peacemaking and mediation efforts, were discussed, as well as recommendations for mediators in the area of pre-ceasefire agreements, ceasefires, security and disarmament, demobilization and reintegration, justice and reparations. The Arria formula briefing recommended the allocation of specific resources and capacities within the United Nations system to end impunity for conflict-related sexual violence and to address women's protection within security sector and justice reform, as well as disarmament, demobilization and reintegration. While the Council therefore provided a high-level forum for the discussion of these issues, the absence of a formal monitoring mechanism limited the flow of information to the Council on areas of implementation requiring special attention. This and other challenges and obstacles are discussed in the next section.

IV. Obstacles and challenges to strengthening women's participation in conflict prevention, conflict resolution and peacebuilding

60. Despite progress, obstacles to strengthening women's participation in conflict prevention, conflict resolution and peacebuilding remain. Some emanate from the very nature of armed conflict which creates social, economic and political instability and disrupts existing social networks, infrastructure and economic and social activities. Others relate to the breadth of resolution 1325 (2000), which requires novelty and creativity to address these challenges. Yet others arise from a weak implementation framework and the absence of clear targets and reliable data.

61. Since armed conflict disrupts the social and economic fabric of society, when peace returns, people, especially women, focus first on trying to regain the equilibrium they had before. This leaves little room for engagement in activities that they or society may consider to be outside the purview of women. In particular, the compelling need to re-establish their livelihoods, leaves women with little opportunity to participate in political or peacebuilding processes.

62. The threat of post-conflict violence remains one of the most persistent obstacles to women's full and equal participation in post-conflict peacebuilding and reconciliation. The gender-based violence that women experience in early recovery situations is exacerbated by the fact that women's security is rarely a priority in efforts to reform, rebuild or rehabilitate security and justice systems. As was found in a UNIFEM study of post-conflict planning and fund allocation in seven post-conflict situations,[4] emergency and post-conflict investments seldom analyse women's needs or earmark spending for addressing women's security needs and preventing gender-based violence.

63. The absence of efficient judiciary and security institutions to ensure accountability, prevent violence and combat impunity are pressing challenges. Threats of violence and abuse often remain long after armed conflict ceases, intimidating women and preventing them from engaging fully in rebuilding their societies for a peaceful future. The formal justice system often provides no recourse and may be inaccessible for many women.

[4] UNIFEM, "Funding for women's needs within post-conflict needs assessments", 2009, mimeo.

64. In Côte d'Ivoire, UNOCI reported that efforts to prevent and address impunity and violence had made limited progress because of delays in the effective redeployment of judicial services. UNOCI also noted that in many instances, the families of victims of sexual violence had withdrawn complaints and opted for extrajudicial settlement. Fees for medical certification often prevented victims from obtaining legal evidence (S/2009/344, para. 34).

65. Cultural challenges to women's participation in conflict resolution and peacebuilding persist. Traditional views about the roles of women in society, stigmatization and discrimination hamper progress. Women who have had children as a result of their relations with combatants, women and girls who have been victims of sexual and gender-based violence and women who have been rejected by their husbands after demobilization often find themselves ostracized and have little or no access to opportunities for political participation.

66. Socio-economic factors, including low literacy rates, poverty and a preoccupation with settling their households after active conflict has ended, are also likely to keep many women outside of decision-making processes.

67. The dearth of information on the gender dimensions of peacekeeping efforts is a critical challenge. Although an increasing number of reports of the Secretary-General on peacekeeping missions are now specifically addressing the issues of gender mainstreaming, there is still a need for consistent and holistic reporting on women, peace and security. The situation of women or girls is not referenced in some of these reports, while in other cases the focus is limited to sexual violence or the extent to which women are represented among staff of United Nations peacekeeping missions.

68. Many existing challenges reflect the fact that women continue to be considered as victims and not as key partners in addressing and resolving situations of armed conflict. Efforts to address the gender dimensions of armed conflict thus focus heavily on protection and treatment of women victims — as they must — but almost to the exclusion of actions to empower them.

69. There is therefore a pressing need for those who negotiate peace agreements to focus on gender considerations as an integral part of the process rather than as an add-on. Women and girls associated with armed groups must benefit from disarmament, demobilization and reintegration programmes in the same way that men and boys do.

70. Given the important role that the United Nations has in implementing resolution 1325 (2000), the small number of women in senior positions in the Organization, particularly in peacekeeping missions, sets a poor example. In 60 years of United Nations peacekeeping — from 1948 to 2008 — only seven women have ever held the post of Special Representative of the Secretary-General. Especially in the context of peacekeeping missions, the paucity of women at senior levels weakens the ability and clout of the United Nations to advocate effectively for change at national levels.

71. A fundamental obstacle to strengthening women's participation in conflict prevention, conflict resolution and peacebuilding is the novelty of the approach of resolution 1325 (2000) and its departure from the "traditional approach" to brokering peace which only provides opportunities to direct parties to the dispute. To request that apparent non-participants be engaged in preventing and resolving the

conflict may seem foreign to both those who broker peace and those for whom the peace is intended.

72. Given the novelty and comprehensiveness of resolution 1325 (2000), the absence of a reporting and monitoring mechanism, akin to that established to monitor the implementation of resolution 1612 (2005) on children in armed conflict, has become a major handicap. Continuous feedback on progress in implementing the resolution is lacking, and no systematic sharing of best practices and approaches exists.

73. In the context of existing implementation gaps, negotiation of peace agreements and planning for disarmament, demobilization and reintegration continue to take place with little regard to resolution 1325 (2000). Cessation of hostilities, recovering weapons and integrating combatants, mainly male, into re-established national security institutions preoccupy negotiators with scant attention paid to issues of gender equality.

74. As a result, women remain outside most peace processes. A few have been included in police forces and a number have benefited from training, however, the core objectives of resolution 1325 (2000) remain out of reach in many of the situations of which the Security Council has been seized.

75. A major obstacle to the engagement of women in conflict prevention, conflict resolution and peacebuilding is the lack of cooperation on the part of parties to armed conflict. Information on actions taken in the past year by parties to armed conflict is extremely limited. However, it is apparent that this remains a very weak area of implementation of resolution 1325 (2000). Armed militia continue to disregard international law applicable to the protection of women and girls. Armed groups continue to perpetuate rape and other forms of sexual violence with impunity, and their violence and intimidation keep women away from peace processes.

76. Similar to the findings of the evaluation of a decade of progress with the implementation of the presidential statement expressing grave concern at the growing civilian toll of conflict (S/PRST/1999/6), it can be concluded that there are "persistent and sometimes appalling levels of human suffering owing to the fundamental failure of parties to conflict to fully respect and ensure respect for their obligations" (S/2009/277, para. 4). This failure in the implementation of Security Council resolution 1325 (2000), demands a reinvigorated commitment by the Council, Member States and the United Nations system to the protection of civilians and to the promotion of respect for the principles of international humanitarian law, human rights law and refugee law.

V. Conclusions and recommendations

77. Armed conflict has a disproportionate impact on women and girls even though most are not directly engaged in combat. The significance of resolution 1325 (2000) lies in the way it links the impact of war and conflict on women on the one hand, and promotes their participation in various peace and security processes such as in peace negotiations, constitutional and electoral reforms and reconstruction and reintegration on the other.

78. United Nations entities and Member States have made progress in some areas of implementation of the resolution over the past year, with major strides in training and capacity development and provision of support for developing national action plans. Achievements have occurred in training women in leadership, and in carrying out civic and electoral responsibilities, with the consequence of increasing the number of women in public office in some post-conflict contexts. Close collaboration is developing between the United Nations system, Member States and civil society organizations in implementing the resolution.

79. A number of implementation difficulties persist, including how to reverse the extent of sexual violence. Specific and concrete interventions are needed to address sexual violence, which continues to assail women and girls virtually everywhere armed conflict has occurred. Legislation to end impunity, and reform designed to support greater participation of women in all peace, humanitarian and reconstruction processes are needed.

80. The development of national action plans has seen much progress in the past year. The process has involved considerable collaboration across United Nations entities and Member States, with some best practice examples emerging that can guide the development of future action plans.

81. The incorporation of gender perspectives into peace processes is emerging, but slowly. Most attention continues to focus on women as victims. Women as active participants in the peace processes remain marginal. What is now required is more attention to programmes that are directed at reversing current trends, including the blatant disregard of international law and international humanitarian law by parties to armed conflict. This is one area which could be addressed by national action plans. Appropriate tools and indicators will be needed to monitor their implementation.

82. There is also an urgent need for a dedicated monitoring mechanism and a clear, continuous and comprehensive system to review progress and feedback of lessons learned from the implementation of Security Council resolution 1325 (2000). The Council would enhance enormously the implementation of the resolution were it to establish such a mechanism.

83. The upcoming tenth anniversary of the adoption of the resolution in September 2010 provides a new opportunity for all major stakeholders to reaffirm their commitment and strengthen efforts to fully implement resolution 1325 (2000) to achieve real and lasting changes in the lives of women and girls.

Proposed specific actions

84. **In light of the above, the following specific actions are proposed:**

(a) The Security Council should reiterate its commitment to the full implementation of resolution 1325 (2000);

(b) **Member States** must not only condemn violations of the rights of women and girls during armed conflict but also take swift action in prosecuting those who commit gender-based violence in the context of armed conflict, and, where necessary and appropriate, use all existing provisions under international law,

international humanitarian law and international criminal law to address these crimes;

(c) **Member States** should ensure the representation of women at all decision-making levels in accordance with resolution 1325 (2000). In this connection, resources and other logistical support must be provided to ensure that women have access to training and capacity-development tools;

(d) In view of the dearth of data, which makes evaluation of progress difficult, **all actors involved in conflict prevention, conflict resolution and peacebuilding** must make concerted efforts to collect data on all aspects of resolution 1325 (2000);

(e) **United Nations entities** must expand their activities related to the delivery of services, such as those related to health care, education and capacity-building, at the country level, including through enhanced collaboration within the United Nations system, with civil society organizations and others at the community level;

(f) The **Security Council** should vigorously pursue a strategy to ensure an increase in women's participation in all peace processes, particularly in negotiation and mediation, as well as in post-conflict governance and reconstruction, including an increase in the number of women Special Representatives of the Secretary-General as well as in peacekeeping missions, as military, police and civilian members;

(g) The **Security Council** should ensure that peace agreements and humanitarian action programmes address the specific needs and concerns of women and girls;

(h) The **Security Council** should require that all country reports to the Security Council on situations of which the Security Council is seized provide specific information on the impact of armed conflict on women and girls, including, where possible, data disaggregated by sex and age;

(i) **United Nations entities** should also intensify efforts at the national level to collect appropriate data and to develop locally appropriate indicators to measure progress and identify gaps in the implementation of the resolution. They should also assist Governments in recording their best practices in order to develop institutional capacities for future use;

(j) **Governments, civil society, the private sector and other stakeholders** should work to increase human and financial resources for mainstreaming a gender perspective in peace and security processes. Special attention must be given to increasing resources for activities targeted at women and girls to ensure gender equality and the empowerment of women at the local, national, regional and international levels;

(k) It is especially important that all **United Nations entities**, particularly those with key responsibilities in the area of women and peace and security, continue to give their unwavering support to the full implementation of Security Council resolution 1325 (2000), including by contributing relevant lessons to reports to the Council;

(l) Intensive efforts are required to strengthen coherence and coordination efforts both within the **United Nations system and with Member States** and establish effective monitoring and accountability mechanisms for the implementation of the resolution at the global, regional and national levels. The Security Council should establish this monitoring mechanism as a matter of urgency;

(m) **The Security Council** should use the commemoration of the tenth anniversary of resolution 1325 (2000) to organize a high-level ministerial event to direct the attention of the international community towards the full implementation of the resolution and to generate renewed and revitalized international momentum for concerted action.

United Nations S/2009/466

Security Council

Distr.: General
16 September 2009

Original: English

Letter dated 14 September 2009 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a communiqué adopted by the Council of the League of Arab States at its 132nd ordinary session, held at the ministerial level on 9 September 2009 in Cairo, regarding the Security Council's high-level summit meeting to be held in New York on 24 September 2009, on nuclear non-proliferation and nuclear disarmament (see annex).

Pursuant to article 54 of the Charter of the United Nations, I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Yahya **Mahmassani**
Ambassador

09-51610 (E) 170909 170909

Please recycle

Annex to the letter dated 14 September 2009 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Communiqué issued by the Council of the League of Arab States at the 132nd ordinary session at the ministerial level concerning the high-level Security Council meeting on nuclear non-proliferation and nuclear disarmament that is to be held on 24 September 2009

At its 132nd ordinary session, the Council of the League of Arab States at the minister of foreign affairs level welcomed positive indicators in the international arena in respect of disarmament and non-proliferation and, in particular, the call for a world free of nuclear weapons. Some of the most significant developments following that call included the conclusion of a preliminary agreement between the United States of America and the Russian Federation on the reduction of strategic nuclear weapons; the adoption by the non-proliferation conference in Geneva of a programme of work that includes the inauguration of negotiations over a convention to halt the production of fissile materials; the affirmation by many parties that the universality of the Nuclear Non-Proliferation Treaty represents an immediate priority for the international community; and, finally, the call made by the United States for a Security Council summit to be held in New York on 24 September 2009 on issues relating to non-proliferation and disarmament.

The Council of the League of Arab States affirms that those developments require collective discussions and a mechanism for negotiation which are aimed at achieving an international plan that will successfully rid the world of nuclear weapons. It therefore welcomes the call for discussion of those matters at a special high-level session of the Security Council, and stresses that all those steps constitute excellent preparation for the convening of the 2010 NPT Review Conference in New York and will help to create an environment that is conducive to the success of that Conference and lead, more generally, to increased confidence in multilateral diplomacy.

With a view to contributing to and enriching international discussion of those issues, the Council of the League of Arab States, recalling the initiatives that were launched by the League over the past three decades with the aim of supporting the Nuclear Non-Proliferation Treaty and ridding the world and, in particular, the Middle East, of such weapons, would like to affirm the following:

1. The Arab States support all calls for a world free of nuclear weapons and for the universality of the Nuclear Non-Proliferation Treaty. They are ready for constructive discussions that will promote the implementation of those goals.

2. The universality of the Treaty is a major challenge and immediate priority for the international community. Without such universality, endeavours will falter and a climate of mistrust will continue to exist, particularly when there are countries that refuse to become a party to the Treaty and possess nuclear weapons and military programmes and nuclear installations that are not subject to international safeguards, thereby imperilling security and peace at the regional and international levels.

3. Failure to ensure the universality of the Treaty will make it difficult for non-nuclear States which are party to the Treaty to accept the imposition of any further obligations that are intended to strengthen the Treaty while other countries, not party thereto, refuse to make the most basic commitments and enjoy every advantage without being subject to any pressures.

4. If the aim of ridding the world of nuclear weapons is to be achieved, an immediate start must be made on practical steps that form part of a declared plan. The first such step should be to end the role played by nuclear weapons in State security and defence strategies.

5. The international community has at various international forums adopted scores of resolutions calling for the Middle East to become a nuclear-weapon-free zone. One of the most important of those resolutions was adopted by the 1995 NPT Review and Extension Conference. Nevertheless, not a single step has been taken towards implementing that resolution, because Israel refuses to become a party to the Treaty. The time has come for the international community to strive to establish a zone free of nuclear weapons in the Middle East. As long as there continues to be a State that refuses to become a party to the Treaty and possesses nuclear installations that are not subject to the comprehensive safeguards system of the International Atomic Energy Agency, the Middle East will remain a source of unease in respect of nuclear non-proliferation and its security will continue to be at risk.

6. Nuclear non-proliferation efforts must take into account the regional dimensions. It is not sufficient to deal with each State on an individual basis. In the Middle East, this matter must be comprehensively addressed through a regional and international approach that will ensure the security of all parties.

7. All the Arab States have become parties to the Nuclear Non-Proliferation Treaty. They have not used the Arab-Israeli struggle as an excuse for delaying accession. They therefore reject the argument that calls for peace to be established first, before Israel becomes a party to the Treaty or a zone free of nuclear weapons is established.

8. There must be no infringement of the right of all States Parties to the Treaty to possess and develop nuclear technologies for peaceful purposes. States that are not party to the Treaty should not be granted the same rights.

9. All the Arab States, supporting as they do non-proliferation and, in particular, the Nuclear Non-Proliferation Treaty, underline that nuclear weapons cannot be considered as a means of achieving security for any party, otherwise there will inevitably be a regional arms race.

The Council of the League of Arab States at the ministerial level looks forward to the consideration by the high-level Security Council meeting that is to be held on 24 September 2009 of various dimensions of the disarmament and non-proliferation issues, while taking into consideration the security needs of all parties.

(Communiqué No. 129, ordinary session 132, second meeting, 9 September 2009)

United Nations S/2009/467

Security Council

Distr.: General
16 September 2009

Original: English

Letter dated 14 September 2009 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith resolution 7089 adopted by the Council of the League of Arab States at its 132nd ordinary session, held at the ministerial level on 9 September 2009 in Cairo, regarding the occupation by Iran of the three Arab Islands in the Arabian Gulf belonging to the United Arab Emirates: the Greater Tunb, the Lesser Tunb and Abu Musa (see annex). This important matter should remain on the agenda of the Security Council until Iran terminates its occupation of the three islands and the United Arab Emirates restores its complete sovereignty over the islands.

Pursuant to article 54 of the Charter of the United Nations, I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Yahya **Mahmassani**
Ambassador

09-51623 (E) 170909 170909

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Annex to the letter dated 14 September 2009 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council

[Original: Arabic]

The occupation by the Islamic Republic of Iran of the three Arab islands in the Arabian Gulf belonging to the United Arab Emirates: the Greater Tunb, the Lesser Tunb and Abu Musa

The Council of the League, meeting at the ministerial level,

Having considered:

- The note of the General Secretariat;
- The preliminary report of the Secretary-General and the report on the activities of the General Secretariat between sessions;
- The recommendation of the Political Affairs Committee;

Guided by the resolutions of the previous summit, the last of which was resolution 460 of the Doha Summit (21st ordinary session) dated 30 March 2009, concerning the occupation by the Islamic Republic of Iran of three Arab islands in the Arabian Gulf, namely, the Greater Tunb, the Lesser Tunb and Abu Musa, which belong to the United Arab Emirates,

Reaffirming its earlier resolutions on the same matter, the most recent of which was resolution 7016 (131st ordinary session) of 3 March 2009,

Decides

1. To reaffirm without qualification the absolute sovereignty of the United Arab Emirates over its three islands of the Greater Tunb, the Lesser Tunb and Abu Musa and to support all peaceful measures and means adopted by the United Arab Emirates to regain its sovereignty over the occupied islands;

2. To denounce the continued consolidation by the Iranian Government of its occupation of the three islands and its violation of the sovereignty of the United Arab Emirates, which can only undermine security and stability in the region and pose a threat to international peace and security;

3. To condemn the building by the Iranian Government of housing facilities to settle Iranians on the three occupied Arab islands;

4. To condemn the Iranian military manoeuvres being conducted also on the three occupied islands of the United Arab Emirates, namely, the Greater Tunb, the Lesser Tunb and Abu Musa, and in those islands' territorial waters, airspace, continental shelf and exclusive economic zone, which constitute an inseparable part of the United Arab Emirates; and to request that the Islamic Republic of Iran desist from such violations and acts of provocation, which constitute interference in the internal affairs of an independent, sovereign State; do not promote confidence-building; threaten security and stability in the region; and endanger the security and safety of regional and international navigation in the Arabian Gulf;

5. To condemn the opening by the Islamic Republic of Iran of two offices on the United Arab Emirates island of Abu Musa and request Iran to remove those illegal installations and respect the sovereignty of the United Arab Emirates over its territory;

6. To appeal once again to the Iranian Government to end its occupation of the three islands of the United Arab Emirates, refrain from trying to impose a fait accompli by force, desist from establishing any installations there for the purpose of modifying the islands' demographic structure, revoke all measures and remove all installations unilaterally executed by the Islamic Republic of Iran on the three Arab islands, inasmuch as such measures and claims are null and void, lack any legal effect, do not detract from the established right of the United Arab Emirates over its three islands and are acts that run counter to the provisions of international law and the Geneva Conventions of 1949; and to call upon the Iranian Government to adopt peaceful means for resolving the existing dispute over them in accordance with the principles and norms of international law, including agreement to refer the matter to the International Court of Justice;

7. To express the hope that the Islamic Republic of Iran will reconsider its position of rejecting the effort to find a peaceful solution to the issue of the three occupied islands of the United Arab Emirates either through direct, earnest negotiations or through recourse to the International Court of Justice;

8. To call upon the Islamic Republic of Iran to translate its stated desire for improved relations with the Arab countries and for dialogue and detente into tangible measures, both in word and in deed, in the form of a genuine response to the earnest appeals launched by His Highness Sheikh Khalifa Bin Zayed Al Nahyan, President of the United Arab Emirates, and by the States members of the Gulf Cooperation Council, the Arab States, international groups, friendly nations and the Secretary-General of the United Nations, calling for a solution to the dispute over the three occupied islands by peaceful means in accordance with customary practice and the covenants and rules of international law, either through direct, earnest negotiations or through recourse to the International Court of Justice, with a view to building trust and enhancing security and stability in the Arabian Gulf region;

9. To reaffirm resolution 460 of the Doha Summit (21st ordinary session) dated 30 March 2009 concerning the request to Colonel Muammar Al-Qadhafi to continue to use his good offices in order to persuade the Islamic Republic of Iran and the United Arab Emirates to submit the issue to the International Court of Justice.

United Nations S/2009/468

Security Council

Distr.: General
15 September 2009

Original: English

Report of the Secretary-General concerning the credentials of the deputy representative of France on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 15 September 2009 from the Permanent Representative of France to the United Nations stating that Mr. Nicolas de Rivière has been appointed deputy representative of France on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

09-51660 (E) 170909

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United Nations S/2009/469

Security Council

Distr.: General
17 September 2009

Original: English

Letter dated 15 September 2009 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

Upon instruction from my Government, I have the honour to transmit herewith a letter from the Minister for Foreign Affairs of the Syrian Arab Republic, Mr. Walid Al-Moualem, addressed to the Secretary-General and the President of the Security Council (see annex), as well as three CDs.*

I would highly appreciate if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

* The CDs are on file with the Secretariat and are available for consultation.

09-51766 (E) 180909 180909

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Annex to the letter dated 15 September 2009 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Syrian Arab Republic
Ministry of Foreign Affairs
Damascus, 8 September 2009

Sir,

Pursuant to Security Council resolution 1595 (2005), an international independent investigation Commission was established with a view to investigating the assassination of former Lebanese Prime Minister Rafiq Hariri. Detlev Mehlis of Germany was appointed as the first Commissioner and requested to produce a report on the outcome of the investigation.

On 29 April 2009, the Pre-Trial Judge of the Special Tribunal for Lebanon, Daniel Fransen, ordered the unconditional release of the four Lebanese officers, namely, General Jamil El Sayed, General Ali El Hajj, Brigadier General Raymond Azar and Brigadier General Mostafa Hamdan, who had been detained without charge in Lebanese prisons for nearly four years.

We subsequently followed in the media the statements that were made by one of those officers, General Jamil El Sayed, including in televised interviews screened on 1, 15 and 27 May 2009 by the Lebanese Al-Manar and OTV television stations and Al-Jazeera of Qatar. Those statements made it clear that the goal of the International Independent Investigation Commission (IIIC) led by Detlev Mehlis and his assistant, Gerhard Lehmann, had been, right from the start, to implicate the Syrian Arab Republic at any cost in the assassination of former Prime Minister Rafiq Hariri. They attempted to induce El Sayed to persuade Syria to identify an official victim who would admit to the crime and subsequently be discovered to have committed suicide or killed in a road accident, whereupon a settlement would be reached with Syria. When El Sayed refused, he was imprisoned for four years. We will not even begin to discuss the Commission's acceptance of perjured evidence and other practices that were aimed, as El Sayed said, at proving a predetermined charge, whereby the Commission was used to target Syria politically.

We are transmitting to you herewith copies of those interviews on CD. Our Permanent Representative to the United Nations has, in years past, brought the attention of certain Security Council members to a number of written communications that were addressed by El Sayed to the Secretary-General and certain Security Council members during the period of his political incarceration, in which he referred to the infractions committed by Commissioner Mehlis and his assistant, Lehmann, and the grave events that took place during the investigation, the aim of which was to target Syria.

The Syrian Arab Republic greatly regrets that misuse of power by the Commissioner of IIIC, which was operating under the aegis of the United Nations Secretary-General, and believes that the Secretary-General should investigate the matter and the above-mentioned serious events whereby Syria was targeted through a United Nations body.

Syria expects to be informed that measures will be taken forthwith in this regard, and hopes to be informed of the outcome of the enquiry with all possible expedition, in order to establish the political and legal requirements and ensure that the dignity and credibility of the international organization are preserved.

Syria reserves its right to take legal proceedings with regard to Detlev Mehlis, the former Commissioner of IIIC, and his assistant Gerhard Lehmann with regard to the injury they did to Syria by using perjured evidence and departing from the rules and principles of investigation; their propaganda against Syria; and their attempts to implicate it every way, all of which flagrantly conflict with the proper impartiality and aims of an investigation and with the principles of the United Nations and of the Security Council, pursuant to a resolution of which the Commission was established.

Accept, Sir, the assu[illegible]s of my highest consideration.

(*Signed*) Walid **Muallem**
Minister for Foreign Affairs of the Syrian Arab Republic

United Nations S/2009/469*

Security Council

Distr.: General
17 September 2009

Original: English

Letter dated 15 September 2009 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

Upon instruction from my Government, I have the honour to transmit herewith a letter from the Minister for Foreign Affairs of the Syrian Arab Republic, Mr. Walid Al-Moualem, addressed to the Secretary-General and the President of the Security Council (see annex), as well as three CDs.**

I would highly appreciate if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

* Reissued for technical reasons.
** The CDs are on file with the Secretariat and are available for consultation.

09-51766* (E) 240909

Please recycle

Annex to the letter dated 15 September 2009 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Syrian Arab Republic
Ministry of Foreign Affairs
Damascus, 8 September 2009

Sir,

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We are transmitting to you herewith copies of those interviews on CD. In past years, some members of the Security Council brought to the attention of our Permanent Representative to the United Nations a number of written communications addressed by El Sayed to the Secretary-General and certain members of the Security Council during the period of his political incarceration, in which he referred to the infractions committed by Commissioner Mehlis and his assistant, Lehmann, and the grave events that took place during the investigation, the aim of which was to target Syria.

The Syrian Arab Republic greatly regrets that misuse of power by the Commissioner of IIIC, which was operating under the aegis of the United Nations Secretary-General, and believes that the Secretary-General should investigate the matter and the above-mentioned serious events whereby Syria was targeted through a United Nations body.

Syria expects to be informed that measures will be taken forthwith in this regard, and hopes to be informed of the outcome of the enquiry with all possible expedition, in order to establish the political and legal requirements and ensure that the dignity and credibility of the international organization are preserved.

Syria reserves its right to take legal proceedings with regard to Detlev Mehlis, the former Commissioner of IIIC, and his assistant Gerhard Lehmann with regard to the injury they did to Syria by using perjured evidence and departing from the rules and principles of investigation; their propaganda against Syria; and their attempts to implicate it every way, all of which flagrantly conflict with the proper impartiality and aims of an investigation and with the principles of the United Nations and of the Security Council, pursuant to a resolution of which the Commission was established.

(*Signed*) Walid **Muallem**
Minister for Foreign Affairs of the Syrian Arab Republic